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TIGARD CITY COUNCIL  
MEETING

June 18, 2002 6:30 p.m.

TIGARD CITY HALL  
13125 SW HALL BLVD  
TIGARD, OR 97223



PUBLIC NOTICE:

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, Ext. 309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead-time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting date by calling:

503-639-4171, x309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A  
TIGARD CITY COUNCIL WORKSHOP MEETING  
June 18, 2002

6:30 PM

1. WORKSHOP MEETING
  - 1.1 Call to Order - City Council
  - 1.2 Roll Call
  - 1.3 Pledge of Allegiance
  - 1.4 Council Communications & Liaison Reports
  - 1.5 Call to Council and Staff for Non Agenda Items
  
2. DISCUSS WATER RATE ADJUSTMENT – THREE-YEAR PLAN
  - Staff Report: Public Works Department
  
3. UPDATE ON TIGARD WATER SUPPLY OPTIONS
  - Staff Report: Public Works Department
  
4. DISCUSS WASHINGTON COUNTY/CITY OF TIGARD COOPERATIVE PROJECTS WITH WASHINGTON COUNTY LAND USE AND TRANSPORTATION DIRECTOR KATHY LEHTOLA
  - Staff Report: Administration Department
  
5. UPDATE ON DOWNTOWN/COMMUTER RAIL MEETING
  - Staff Report: Community Development Department
  
6. UPDATE ON COMMUNITY DEVELOPMENT CODE AMENDMENTS TO IMPLEMENT THE TRANSPORTATION SYSTEM PLAN
  - Staff Report: Community Development Department
  
7. COUNCIL LIAISON REPORTS
  
8. NON-AGENDA ITEMS

9. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

## 10. ADJOURNMENT

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AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF June 18, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Water Rate Adjustment – 3 Year Plan

PREPARED BY: Dennis Koellermeier DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Shall the City Council amend the current water rate schedule and adopt a 3-year rate schedule that reflects the increases in costs associated with providing water service?

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STAFF RECOMMENDATION

City Council approves the attached Resolution that amends current water rates.

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INFORMATION SUMMARY

Chapter 12.10.130 of the Tigard Municipal Code provides that fees and charges for water and water related services be established by Resolution of the City Council

The City commissioned a water rate study in 1999 at the request of the Intergovernmental Water Board (IWB). The results of that study indicated that significant increases in water rates were necessary to pay all capital, operational, maintenance, and administrative costs of the water system. The rate study recommended significant rate increases to meet anticipated expenses. The increases, beginning in FY 2000/01, were to be annual increases of 10%, 12%, 12%, 8% and 8%. Due to the proposed Taxpayers Protection Initiative on the November, 2000 ballot, Rates were increased 3% in 2000. In 2001 rates were adjusted 15.5%. Thus, by July 1, 2002, the City finds itself approximately 3.5% behind its recommended schedule, and facing 28% worth of increases in the coming 3 years.

The Public Works and Finance Department staff have reviewed the financial plan and the major factors or inputs to the rate model. We have concluded that the original model recommendations remain valid and should be accomplished. The major factor driving the revenue needs for the Water Fund, continue to be increasing unit costs and volumes needed of wholesale water purchased and funding our \$40.7 Million Capital Improvement Plan.

An additional and currently non-resolved issue is the impacts of the successful Tigard/Tualatin School District Bond Levy and the timing of the construction of certain Water capital improvement projects. Specifically, the School District has granted the City permission to construct a buried water reservoir (550-foot Reservoir #2) on the site of the proposed Alberta Rider School property located on Bull Mountain Road. This reservoir needs to be permitted and built in conjunction with the school project, to avoid safety and operational issues at the school. If this school is built soon, the City will need to re-prioritize it's CIP and construct a group of projects estimated to cost \$8.84 million dollars. To accomplish this the City will need to issue water revenue bonds, probably within the next 12 months. The impacts of this bond sale could cause the need for an additional rate adjustment.

In an effort to minimize the impacts of these rate increases on our customers we are proposing two strategies. The first strategy is to move the effective date for water rate increases to the fall, after the heavy consumption periods of summer have ended. The second strategy is to adopt a three year rate plan that moves us back onto the rate model schedule over a longer time period. We are recommending a 3 year rate plan that will adjust rates, beginning this October 1, 2002 by 10%, then 6% each the following two years.

Water rate charges, including customer charges and booster charges, are as follows:

	<b>Current Rate 2001/02</b>	<b>Proposed Rate Increase 10% 2002/03</b>	<b>Proposed Rate Increase 6% 2003/04</b>	<b>Proposed Rate Increase 6% 2004/05</b>
Customer Charge	\$4.00/billing period	\$4.40/billing period	\$4.66/billing period	\$4.94/billing period
Booster Charge	\$3.54/billing period	\$3.89/billing period	\$4.12/billing period	\$4.37/billing period
Residential	\$1.56 per CCF	\$1.71 per CCF	\$1.81 per CCF	\$1.92 per CCF
Multi-Family	\$1.54 per CCF	\$1.69 per CCF	\$2.04 per CCF	\$2.16 per CCF
Commercial	\$1.81 per CCF	\$1.99 per CCF	\$2.11 per CCF	\$2.24 per CCF
Industrial	\$1.50 per CCF	\$1.65 per CCF	\$1.75 per CCF	\$1.86 per CCF
Irrigation	\$1.93 per CCF	\$2.12 per CCF	\$2.25 per CCF	\$2.39 per CCF

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#### OTHER ALTERNATIVES CONSIDERED

- Do not increase rates, which will cause a depletion of capital reserves
- Increase rates greater than the recommended 10%, 6% , 6% recommendation

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#### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The current update process for “Tigard beyond Tomorrow “, Urban and Public Services, Water and stormwater Goal lists a specific strategy of funding the first five years of construction projects identified in the Water Distribution System Hydraulic Study at an estimated cost of \$7.6 million dollars. These projects include both System Development fee funding as well as water rate revenue.

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#### ATTACHMENT LIST

N/A

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#### FISCAL NOTES

The proposed rate increases are consistent with revenue projections anticipated in the recently adopted FY 2002/03 budget.

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Update on Tigard Water Supply Options

PREPARED BY: Ed Wegner DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Public Works staff will update the City Council on the progress of source options for the City of Tigard and our summer supply status.

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STAFF RECOMMENDATION

Staff recommends continuing to work on these water projections until completion or until such time as sufficient data is available to make a decision by Tigard and it's Intergovernmental Water Board partners.

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INFORMATION SUMMARY

The Public Works staff has been studying two long term water supply source options. The following outline and attached documents will be reviewed in detail during the workshop session.

Joint Water Commission

- Through our memo of understanding, we continue to purchase surplus water. Presently we are averaging less than 1 mgd.

Tualatin Basin Water Supply Feasibility Study

- Work has been focusing on the source options
- The hydrologic modeling has been started with the collection of the stream flows and other related information
- Work continues on the Sain Creek Tunnel element

Proposed Bull Run Regional Drinking Water Agency

- A consulting team is working with the 13 participating agencies
- Work is divided into four groups
  - Engineering - What would be supply assets of a new agency
  - Financial - A rate model is being developed to determine the cost scenarios for participants
  - Governance/Legal - Please review the attachments as our discussion will focus on this area
  - Public Involvement - Keeping the citizenry of the Metro area aware of the progress of this project

Public Works has been involved in other water supply projects, which we will also discuss

- Aquifer Storage and Recovery (ASR) we will review the injection process, discuss a couple of turbidity events and what are the next steps
- Beaverton Intertie - We will review the status of this project, which could enable us to get another two 25 mgd from the JWC, if water is available
- Summer purchasing and conservation - What we will be doing to ensure a summer capacity and highlight our summer conservation program.

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### OTHER ALTERNATIVES CONSIDERED

We are currently looking at all of the alternatives known to staff, with the exception of the Willamette Water supply.

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### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Securing a long term water supply is both a City Council and Vision Task Force Goal.

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### ATTACHMENT LIST

1. Criteria for formation of a Bull Run Regional Drinking Water Agency
2. Alternatives Governance models
3. Comparison of PSC criteria to governance options.

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### FISCAL NOTES

Each water supply option has it's own financial impact on the ratepayer of the water service area. We are not far enough along on any of these options to develop projected costs.

All water capital projects are budgeted for in the Water Fund.

## **CRITERIA FOR THE FORMATION OF A BULL RUN REGIONAL DRINKING WATER AGENCY**

Approved by the Policy Steering Committee  
April 25, 2002

In Phase I of this study (May-December 2001), there were 17 suggested criteria to take into consideration in studying the creation of a regional drinking water agency. Those criteria can be found in the Phase I report titled *"Progress Report Regional Drinking Water Supply Initiative, December 12, 2001"*. (This report can be found on the Portland Water Bureau's web site at [www.water.ci.portland.or.us](http://www.water.ci.portland.or.us) then click on "What's New".)

In this current phase of study and development (February-September, 2002) the Technical Advisory Committee reviewed those 17 criteria and suggested the elimination of one and modifications to others. The draft criteria were then recommended to the Policy Steering Committee to be used when reviewing and weighing governance and financial options that will be developed as part of this phase. The Steering Committee review and discussed these criteria, took public input, made a few changes and approved the criteria at their meeting on April 25, 2002. The criteria are as follows:

1. The proposed Bull Run Regional Drinking Water Agency will have responsibility to provide Bull Run and Columbia South Shore Wellfield water to its members in the amount requested. Others may join the agency after the implementation plan is complete.
2. The proposed Bull Run Regional Drinking Water Agency will develop and protect the Bull Run and Columbia South Shore Wellfield.
3. The proposed Bull Run Regional Drinking Water Agency will have a reliable supply of water to meet current and future needs, with backup supplies to meet seasonal and/or emergency needs.
4. The proposed Bull Run Regional Drinking Water Agency will plan for and build capital improvements to meet the amount of supply and transmission needs of its members as requested.
5. The proposed Bull Run Regional Drinking Water Agency will be responsible for meeting all applicable State and Federal laws and compliance with drinking water regulations to the point of delivery.
6. The proposed Bull Run Regional Drinking Water Agency may contract for the sale of water to non-member agencies.
7. The proposed Bull Run Regional Drinking Water Agency will have the authority to provide any water related services, including distribution, as agreed to by individual members.

8. The proposed Bull Run Regional Drinking Water Agency will be created under Oregon law to have the full and usual municipal powers provided under Oregon law, including but not limited to the ability to set rates and charges, collect revenues, issue debt, hire staff, and enter into agreements.
9. The proposed Bull Run Regional Drinking Water Agency will be created under existing Oregon law.
10. The proposed Bull Run Regional Drinking Water Agency will make the most efficient and effective use of its water sources to meet the needs of its members, consistent with sustainable development, best management practices, and integrated resource management strategies.
11. The proposed Bull Run Regional Drinking Water Agency will be an enterprise utility, obtaining its revenues from rates, charges, and issuance of debt related to the sale and delivery of water.
12. Each member will have representation by elected officials on the board of the proposed Bull Run Regional Drinking Water Agency.
13. Individual customers receiving water from the proposed Bull Run Regional Drinking Water Agency will have direct access to the agency's Board of Directors and to the elected public officials of the members.
14. The proposed Bull Run Regional Drinking Water Agency is intended to be organized and operated to minimize duplication or inefficiency.
15. The proposed Bull Run Regional Drinking Water Agency will participate in the programs and activities within the Bull Run and Columbia South Shore Wellfield watersheds.
16. Creation of the proposed Bull Run Regional Drinking Water Agency will not result in increased overall costs for water by virtue of combining infrastructure and operations.

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**Alternative Governance Models - PRELIMINARY DRAFT OF 5/22/2002**  
**Implementation Plan for Formation**  
**of a Bull Run Regional Drinking Water Agency**

<b>Interlocal Partnership (Joint Operating)</b>	<b>People's Utility District</b>	<b>Domestic Water Supply District</b>	<b>Regional Service District</b>	<b>Joint Water Authority</b>
<b>Statutory Basis</b>	<b>Statutory Basis</b>	<b>Statutory Basis</b>	<b>Statutory Basis</b>	<b>Statutory Basis</b>
ORS 190 (Intergovernmental Unit Cooperation). Local governments may enter into a written Agreement to perform any or all functions that a party to the Agreement has authority to perform.	ORS 261 (People's Utility District). Individual property owners may choose to form a unit of local government with statutory authority to provide water and power.	ORS 264 (Domestic Water Supply Districts). Communities may be incorporated into special districts to supply water.	ORS 268 (Regional Service District) (Metro). Acting pursuant to ORS Ch. 268 and Charter provisions.	ORS 450 (Joint Water and Sanitary Authorities). Two or more existing cities or districts consolidate into a single, independent Water Authority. These are units of local government.
<b>Formation/Security of Boundaries</b>	<b>Formation/Security of Boundaries</b>	<b>Formation/Security of Boundaries</b>	<b>Formation/Security of Boundaries</b>	<b>Formation/Security of Boundaries</b>
Approval of Agreement by parties adopting ordinance; Boundaries affected by withdrawal/termination of a party and Agreement provisions.	Vote; Inclusion of municipality requires favorable vote of its voters; after formation, not subject to annexation and withdrawal of territory by City except in very limited circumstances.	Vote; subject to annexation and withdrawal by city Boundary change in limited circumstances.	Metro has authority to own or operate water facilities by vote or MPAC approval; not subject to annexation and withdrawal by City. Boundary changes in limited circumstances.	Vote; not subject to annexation and withdrawal by City. Boundary change in limited circumstances.
<b>Vote for forming Bull Run Regional Water Agency</b>	<b>Vote for forming Bull Run Regional Water Agency</b>	<b>Vote for forming Bull Run Regional Water Agency</b>	<b>Vote for forming Bull Run Regional Water Agency</b>	<b>Vote for forming Bull Run Regional Water Agency</b>
Yes	Yes	Yes	Yes	Yes
<b>Voting</b>	<b>Voting</b>	<b>Voting</b>	<b>Voting</b>	<b>Voting</b>
Details of governance structure are determined by Agreement between jurisdictions. Board members may not be directly elected for the 190 positions, but may be elected or appointed officials. Weighted voting possible as per Agreement.	A five-member Board of Directors, elected by apportioned geographic subdivision, ORS 261.405. Each Director has equal vote.	A five-member Board of Commissioners elected at large, ORS 264.410 (1). Each Commissioner has equal vote.	Elected Council apportioned by subdivisions; Each Director has equal vote.	A five- or seven-member Board of Directors, ORS 450.600-655. Directors may be elected at-large or by apportioned geographic subdivision. Each Director has equal vote.
<b>Ownership</b>	<b>Ownership</b>	<b>Ownership</b>	<b>Ownership</b>	<b>Ownership</b>
In general a joint agency is the legal owner of any assets, with individual partners owning percentage interest shares in the common agency. However, ownership of specific assets may be retained by specific jurisdictions by Agreement and assigned (e.g. leased) to the entity.	District would own all regional assets.	District would own all regional assets.	District would own all regional assets.	Newly formed JWA may acquire all existing water supply assets (including receivables), depending on the incorporation resolution. The JWA would own all regional assets. Pre-existing debt may be distributed among constituent agencies by agreement.
<b>Operations/Maintenance</b>	<b>Operations/Maintenance</b>	<b>Operations/Maintenance</b>	<b>Operations/Maintenance</b>	<b>Operations/Maintenance</b>
May hire staff and operate facilities owned by the joint agency or any of its constituent jurisdictions, ORS 190.010 (2-3). May also contract with private companies for O&M. May contract with existing public agencies for staffing or services.	May hire administrative and operational staff and operate facilities owned by the district, ORS 261.305 (4). May also contract with private companies for O&M. May contract with existing public agencies for staffing or services.	May hire administrative and operational staff and operate facilities owned by the district, ORS 264.210. May also contract with private companies for O&M. May contract with existing public agencies for staffing or services.	May hire administrative and operational staff and operate facilities owned by the district. May also contract with private companies for O&M. May contract with existing public agencies for staffing or services.	May hire administrative and operational staff and operate facilities owned by the district, ORS 450.075. May also contract with private companies for O&M. May contract with existing public agencies for staffing or services.

**Alternative Governance Models - PRELIMINARY DRAFT OF 5/22/2002**  
**Implementation Plan for Formation**  
**of a Bull Run Regional Drinking Water Agency**

<b>Interlocal Partnership/ Joint Operating</b>	<b>People's Utility District</b>	<b>Domestic Water Supply District</b>	<b>Regional Service District</b>	<b>Joint Water Authority</b>
<b>System Expansion</b> Determined by agreement. Joint agency determines how and when to expand. Individual entities may have option to not participate in projects. May allow for members to "buy back" at a later date. Possible differential rates to account for participants/nonparticipants.	District Board of Directors controls planning and timing of system expansion. Possible differential rates to account for participants/nonparticipants.	District Board of Commissioners control planning and timing of system expansion. Possible differential rates to account for participants/ nonparticipants.	District Councilors control planning and timing of system expansion. Possible differential rates to account for participants/ nonparticipants.	District Board of Directors controls planning and timing of system expansion. Possible differential rates to account for participants/nonparticipants.
<b>Annexation</b> Joint agency Agreement may be expanded to include new partner jurisdictions. Precise procedures for expansion and/or dissolution of the joint agency are specified in the initial Agreement.	The district may annex a parcel or municipality, or consolidate with one or more other districts, following approval of voters in both the district and the area to be annexed, ORS 261.105 (1-3).	District may annex property or consolidate or merge with one or more Districts. Vote usually required. Potential Metro Process.	Boundary is established as the three metro-area counties. District may annex property. Vote usually required.	The JWA may annex a parcel or municipality, or consolidate with one or more additional districts, following approval of all elected bodies and approval of voters in all affected areas (ORS 450.680) with some exceptions. Potential Metro Process.
<b>Financial Matters</b> Agency may issue revenue bonds pursuant to the partnership Agreement if the parties have the ability to delegate this power to entity. Alternatively, the governing bodies of each of the partner jurisdictions may approve the issuance of revenue bonds (100% consensus). Finally, one or more member jurisdictions may issue revenue bonds backed by revenue pledged from other partners. Agency may not levy taxes or issue G.O. bonds. Agreement may allow the following: Levy SDCs: Yes Set Rates: Yes/Differential SRF Grants/Loans: Yes Create LIDs: Yes	May issue revenue bonds, following a public hearing and independent financial review, with the approval of the board of directors and voters. May issue G.O. bonds in an amount ≤2.5% of the property value in the district with approval of voters in a special election at which at least 25% of registered voters turn out. May levy taxes to cover bond payments when revenues are exhausted.  Levy SDCs: Yes Set Rates: Yes/Differential SRF Grants/Loans: Yes Create LIDs: No	May issue revenue bonds when approved by district commission. May issue G.O. Bonds or tax levy with voter approval. G.O. Bonds may not exceed 2.5% of taxable value.  Levy SDCs: Yes Set Rates: Yes/Differential SRF Grants/Loans: Yes Create LIDs: Yes	May issue revenue bonds when approved by Council. May issue GO bonds up to 10% of real property value. May levy taxes with vote.  Levy SDCs: Yes Set Rates: Yes/Differential SRF Grants/Loans: Yes Create LIDs: Yes	May levy taxes on property with vote and impose various other fees and charges. May issue G.O. bonds with approval of the Board of Directors and the voters, following a public hearing. May issue revenue bonds with approval of the Board, following a public hearing.  Levy SDCs: Yes Set Rates: Yes/Differential SRF Grants/Loans: Yes Create LIDs: Yes
<b>Insurance/Risk Sharing</b> Risk shared among members. Generally, risk follows ownership of assets. However, agreement may make specific risk assignments. Statute says Joint and Several Liability	Risk borne by the district and its citizens/landowners/ratepayers.	Risk borne by the district and its citizens/landowners/ ratepayers.	Risk borne by the district and its citizens/landowners/ ratepayers.	Risk ultimately borne by the JWA and its citizens/landowners/ ratepayers. Specific pre-existing liabilities could be assigned to specific surviving jurisdictions according to the incorporation resolution

**Alternative Governance Models - PRELIMINARY DRAFT OF 5/22/2002**  
**Implementation Plan for Formation**  
**of a Bull Run Regional Drinking Water Agency**

<b>Interlocal Partnership/ Joint Operating</b>	<b>People's Utility District</b>	<b>Domestic Water Supply District</b>	<b>Regional Service District</b>	<b>Joint Water Authority</b>
<b>Resource Planning</b> A joint agency may be authorized to conduct any and all water resource planning conducted by its individual partners (including zoning enforcement, land use, etc.), depending on the details of the partnership Agreement.	Water Resource Planning authority held by district commissioners. District enjoys most relevant planning powers—including eminent domain—no zoning and land use codes and enforcement.	Water Resource Planning authority held by district commissioners. District enjoys most relevant planning powers—including eminent domain—no zoning and land use codes and enforcement.	Water Resource Planning authority held by district commissioners after vote or MPAC approval. District enjoys most relevant planning powers—including eminent domain. <u>Metro adopts functional plans that affect zoning and land use codes.</u>	Water Resource Planning authority held JWA Board of Directors. JWA enjoys most relevant planning powers—including eminent domain—no zoning and land use codes and enforcement.
<b>System Management &amp; Reliability</b> Determined by agreement. The agreement may assign administrative roles to particular member jurisdictions, or create an independent joint agency structure with responsibility for system management.	District is responsible for system management and reliability.	District is responsible for system management and reliability.	District is responsible for system management and reliability.	JWA is responsible for system management and reliability.
<b>Public Access</b> Public Contracting – Yes Tort Liability – Yes Public Records – Yes Open Meetings – Yes Elections – No	Public Contracting – Yes Tort Liability – Yes Public Records – Yes Open Meetings – Yes Elections – Yes	Public Contracting - Yes Tort Liability - Yes Public Records - Yes Open Meetings - Yes Elections - Yes	Public Contracting - Yes Tort Liability - Yes Public Records - Yes Open Meetings - Yes Elections - Yes	Public Contracting - Yes Tort Liability - Yes Public Records - Yes Open Meetings - Yes Elections - Yes
<b>Dissolution/Withdrawal</b> Dissolution/Withdrawal. According to terms of Agreement for process Compensation provisions.	Vote. Liability for incurred obligations.	Vote. Liability for incurred obligations.	Vote. Liability for incurred obligations.	Vote. Liability for incurred obligations.

**Alternative Governance Models - PRELIMINARY DRAFT OF 5/22/2002**  
**Implementation Plan for Formation**  
**of a Bull Run Regional Drinking Water Agency**

Interlocal Partnership/Joint Operating	People's Utility District	Domestic Water Supply District	Regional Service District	Joint Water Authority
<ul style="list-style-type: none"> <li>Easier process for formation and expansion without public vote.</li> <li>No direct voter election of governing body</li> <li>Individual members may have charter or statutory limitations on ability to <u>delegate legislative power or to transfer property/title. Lease or other operational agreements may be needed.</u></li> <li>Withdrawal/termination is an easier process, but it could also contribute to uncertainty as to whether parties are committed for the long term.</li> <li>Can split supply/ distribution functions</li> <li>Members can use SDC's to fund Agency projects (they can't use them to fund PWB projects now)</li> </ul>	<ul style="list-style-type: none"> <li>Cities must consent to formation in proceeding before County Commissioners. Possible proceeding before Metro. <u>Districts have no formal voice in decision.</u></li> <li>Electoral vote to <u>select commissioners.</u></li> <li>Upon formation or authorization, clear power to act in all aspects: legislative/ ministerial</li> <li>Succeed to or obtain all assets necessary</li> <li>Probably can split supply/ distribution functions</li> <li>Achieving legal agreement on exactly how the agency will function prior to formation not possible (unlike ORS 190 entity where all terms are spelled out in ORS 190 Agreement)</li> <li>Empowered to expand into electrical service and elsewhere in state</li> <li>Not covered by Oregon budget law</li> <li>Difficult to add new territory or withdraw</li> <li>Existing agencies do not become owners of the new entity</li> <li>Existing PUD's disappear into new entity; districts may be incorporated; cities can continue</li> </ul>	<ul style="list-style-type: none"> <li>Cities must consent to formation in proceeding before County Commissioners. <u>Districts have no formal voice in decision.</u> Possible proceeding before Metro.</li> <li>Electoral vote to <u>select commissioners.</u></li> <li>Upon formation or authorization, clear power to act in all aspects: legislative/ ministerial</li> <li>Succeed to or obtain all assets necessary</li> <li>Probably can split supply/ distribution functions</li> <li>Achieving legal agreement on exactly how the agency will function prior to formation not possible (unlike ORS 190 entity where all terms are spelled out in ORS 190 Agreement)</li> <li>Difficult to add new territory or withdraw</li> <li>Existing agencies do not become owners of the new entity</li> <li>Some existing entities may cease to exist</li> </ul>	<ul style="list-style-type: none"> <li>Proceeding <u>before the Metro Council.</u></li> <li>Electoral vote <u>for Metro Commissioners</u></li> <li>Upon formation or authorization, clear power to act in all aspects: legislative/ ministerial</li> <li>Succeed to or obtain all assets necessary</li> <li>Probably can split supply/ distribution functions</li> <li>Achieving legal agreement on exactly how the agency will function prior to formation not possible (unlike ORS 190 entity where all terms are spelled out in ORS 190 Agreement)</li> <li>Difficult to add new territory or withdraw</li> <li>Existing agencies do not become owners of the new entity</li> <li>Some existing entities may cease to exist</li> </ul>	<ul style="list-style-type: none"> <li>Cities must consent to formation in proceeding before County Commissioners. <u>Districts have no formal voice in decision.</u> Possible proceeding before Metro.</li> <li>Electoral vote to <u>select commissioners.</u></li> <li>Upon formation or authorization, clear power to act in all aspects: legislative/ ministerial</li> <li>Succeed to or obtain all assets necessary</li> <li>Clearly can split supply/distribution functions</li> <li>Achieving legal agreement on exactly how the agency will function prior to formation not possible (unlike ORS 190 entity where all terms are spelled out in ORS 190 Agreement)</li> <li>Difficult to add new territory or withdraw</li> <li>Existing agencies do not become owners of the new entity</li> <li>Some existing entities may cease to exist</li> </ul>

**NOTES:**

- The ability of the interlocal partnerships/joint operating agreement (ORS 190) to receive a delegation of powers from underlying members depends upon the statutory/charter powers and limitations of those members. Some entities may not be able to delegate "legislative" functions to the entity, which could require issues to be referred back to the members for a decision. Each entity should seek an opinion of legal counsel. Even if the delegation of a power is not a legislative matter, the process to adopt the ordinance approving and entering into the intergovernmental agreement may be legislative and thereby subject the agreement to initiative or referendum powers.
- Vote or voter approval means vote of electors in the affected territory.
- Regional assets means supply assets.
- Differential rates means the ability to levy a different rate within a defined area based upon facilities used for that area of service.
- SRF means the State Revolving Loan Fund from OEDD or DEQ.

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#3

**PRELIMINARY DRAFT OF 5/17/2002**

**COMPARISON OF POLICY STEERING COMMITTEE CRITERIA TO GOVERNANCE OPTIONS**

Criterion	IGA (ORS 190)	PUD (ORS 261)	Water Supply Dist. (ORS 264)	Regional Serv. Dist. (ORS 268)	Water Authority (ORS 450)
1. Provide Bull Run and Columbia South Shore Wellfield water to its members in the amount requested. Others may join the agency after the implementation plan is complete.	Can provide amount requested (within limits of availability). Approval of Agreement by parties adopting ordinance; Boundaries affected by withdrawal/termination of a party and Agreement provisions.	Can provide amount requested (within limits of availability). But, there will be no "members" in the sense of an ORS 190 entity. Inclusion of municipality requires favorable vote of its voters; after formation, not subject to annexation and withdrawal of territory by City except in very limited circumstances.	Can provide amount requested (within limits of availability). But, there will be no "members" in the sense of an ORS 190 entity. Vote; subject to annexation and withdrawal by city. Boundary change in limited circumstances.	Can provide amount requested (within limits of availability). But, there will be no "members" in the sense of an ORS 190 entity. Not subject to annexation and withdrawal by City. Boundary changes in limited circumstances.	Can provide amount requested (within limits of availability). But, there will be no "members" in the sense of an ORS 190 entity. Vote; not subject to annexation and withdrawal by City. Boundary change in limited circumstances.
2. Develop and protect the Bull Run and Columbia South Shore Wellfield.	No significant difference	No significant difference	No significant difference	No significant difference	No significant difference
3. Have a reliable supply of water to meet current and future needs, with backup supplies to meet seasonal and/or emergency needs.	No significant difference	No significant difference	No significant difference	No significant difference	No significant difference
4. Plan for and build capital improvements to meet the amount of supply and transmission needs of its members as requested.	Can't use GO bonds or property taxes to fund improvements. Otherwise, no significant difference	No significant difference	No significant difference	No significant difference	No significant difference

PRELIMINARY DRAFT

PRELIMINARY DRAFT OF 5/17/2002

COMPARISON OF POLICY STEERING COMMITTEE CRITERIA TO GOVERNANCE OPTIONS

5. Be responsible for meeting State and Federal water quality standards at the point of delivery to its members.	No significant difference	No significant difference	No significant difference	No significant difference	No significant difference
6. Contract for the sale of water to non-member agencies.	No significant difference	No significant difference	No significant difference	No significant difference	No significant difference
7. Have the authority to provide any water-related services, including distribution as agreed to by the members.	Allowed	Allowed	Allowed	Allowed	Allowed
8. Created under Oregon law to have the full and usual municipal powers provided under Oregon law, including but not limited to the ability to set rates and charges, collect revenues, issue debt	Charters of members may limit what powers they can delegate to agency. Cannot issue GO bonds or levy property taxes.	True	True	True	True
9. Created under existing Oregon law.	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
10. Make the most efficient and effective use of its water sources to meet the needs of its members, consistent with sustainable development, best management practices, and integrated resource management	No significant difference	No significant difference	No significant difference	No significant difference	No significant difference

**PRELIMINARY DRAFT OF 5/17/2002**

**COMPARISON OF POLICY STEERING COMMITTEE CRITERIA TO GOVERNANCE OPTIONS**

11. Be an enterprise utility, obtaining its revenues from rates, charges, and issuance of debt related to the sale and delivery of water.	No significant difference	No significant difference	No significant difference	No significant difference	No significant difference
12. Each member will have representation by elected officials on the board of the proposed agency.	Yes	No	No	No	No
13. Individual customers receiving water from the proposed a will have direct access to the agency's Board of Directors and to the elected public officials of the members.	No significant difference. Open meetings law applies.	No significant difference. Open meetings law applies.	No significant difference. Open meetings law applies.	No significant difference. Open meetings law applies.	No significant difference. Open meetings law applies.
14. Organized and operated to minimize duplication or inefficiency.	No significant difference	No significant difference	No significant difference	No significant difference	No significant difference
15. Participate in the programs and activities within the Bull Run and Columbia South Shore Wellfield watersheds.	No significant difference	No significant difference	No significant difference	No significant difference	No significant difference
16. Not result in increased overall costs for water by virtue of combining infrastructure and operations.	Nothing intrinsic that would cause a cost increase	Nothing intrinsic that would cause a cost increase	Nothing intrinsic that would cause a cost increase	Nothing intrinsic that would cause a cost increase	Nothing intrinsic that would cause a cost increase

PRELIMINARY DRAFT

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF June 18, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Discuss Washington County/City of Tigard Cooperative Projects with Washington County Land Use and Transportation Director Kathy Lehtola

PREPARED BY: Cathy Wheatley DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Discuss Washington County/City of Tigard Cooperative Projects with Washington County Land Use and Transportation Director Kathy Lehtola.

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STAFF RECOMMENDATION

N/A

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INFORMATION SUMMARY

Kathy Lehtola is the newly appointed Director of Land Use and Transportation for Washington County. Ms. Lehtola will be present at this meeting to give the Council an update on the status of various projects that the City and County are undertaking cooperatively. Those projects include:

1. Commuter Rail—Tigard has a great interest in this project where the potential benefits to our transportation system as well as the benefits which will be brought by rail stations locating in the downtown and Washington Square.
2. Washington Square Implementation
3. Continuation of the Intergovernmental Agreement between the county and city for planning and building services in Bull Mountain.
4. Annexation potential for the Bull Mountain area—Tigard is considering going to the voters in November 2003 for an annexation plan for Bull Mountain.
5. Urban Growth Boundary expansion issues.
6. Goal 5 coordination by the county and the cities of Washington County.

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OTHER ALTERNATIVES CONSIDERED

N/A

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

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ATTACHMENT LIST

None.

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FISCAL NOTES

N/A

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF 6/18/02

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Downtown/Commuter Rail Meeting Update

PREPARED BY: Beth St. Amand DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

An update on the May 23, 2002, meeting with Downtown property and business owners regarding Commuter Rail, and upcoming joint efforts to prepare for the station.

STAFF RECOMMENDATION

No action necessary.

INFORMATION SUMMARY

Washington County—along with Tigard, Beaverton, Tualatin, Wilsonville and other regional partners— is planning a Commuter Rail train system that would carry commuters from Wilsonville to Beaverton beginning in 2005. As part of those plans, downtown Tigard would have its own station.

On Thursday, May 23, 2002, the City held a meeting with Downtown property and business owners to discuss the Commuter Rail project and how it could benefit Downtown. Councilor Dirksen facilitated the meeting. The 16 attendees heard presentations from Washington County, City and Tri-Met staff and were able to ask questions. At the meeting's close, the attendees indicated that they supported further meetings. Plans are now being made to meet over the next six months to provide the County with refinements for the station plan elements and park-and-ride traffic circulation. The timeline reflects the County's need for this information before final engineering takes place. These meetings will also examine possible infrastructure improvements, including pedestrian and vehicular circulation.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character and Quality of Life/Central Business District Goal #1, Provide opportunities to work proactively with Tigard Central Business District Association (TCBDA) businesses and property owners and citizens of Tigard to set the course for the future of the central business district.

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ATTACHMENT LIST

Attachment 1: May 23, 2002, Meeting Agenda

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FISCAL NOTES

N/A at this time.

	<b>CITY OF TIGARD - DOWNTOWN MEETING</b>
	<b>May 23, 2003 Tigard Town Hall 6:30-8:00 p.m.</b>

### **Agenda**

- |    |   |                    |           |
|----|---|--------------------|-----------|
| 1. | Welcome and Introductions   | Craig Dirksen      | 6:30-6:40 |
| 2. | Overview of Commuter Rail   | Washington County  | 6:40-6:55 |
| 3. | Downtown Station <ul style="list-style-type: none"><li>• Park and Ride Location</li></ul>                                 | Tri-Met/City Staff | 6:55-7:10 |
| 4. | Virtual Tour of Rail Site   | City Staff         | 7:10-7:20 |
| 5. | Refreshment Break/Review Station Drawings   |                    | 7:20-7:30 |
| 6. | Commuter Rail Discussion: <ul style="list-style-type: none"><li>• What opportunities will it bring to Downtown?</li></ul> |                    | 7:30-7:50 |
| 7. | What's Next   | Craig Dirksen      | 7:50-8:00 |

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Development Code amendments to implement the Transportation System Plan

PREPARED BY: Julia Hajduk DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Receive an update on the proposed changes to the Development Code to implement the TSP.

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STAFF RECOMMENDATION

Review the TSP information, ask questions as needed and provide comment on the proposed changes.

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INFORMATION SUMMARY

The Tigard Transportation System Plan (TSP) was adopted in January, 2002 along with Comprehensive Plan amendments and became effective in February. An additional step that was necessary to fully implement the TSP was developing amendments to the Development Code to reflect changes to the TSP. The planning staff, along with staff from the engineering department have completed the review of the Development Code and are prepared to begin processing the recommended amendments. A meeting with the Planning Commission was held on June 3, 2002 and any suggestions or comments raised will be presented to the Council at the work session on June 18, 2002.

The Planning Commission public hearing is tentatively scheduled for August 5, 2002 and the City Council public hearing is tentatively scheduled for September 10, 2002.

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OTHER ALTERNATIVES CONSIDERED

N/A

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Transportation and Traffic, Goal #2 – Improve traffic flow.

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ATTACHMENT LIST

- Attachment:
- 1 – Summary of changes to implement the TSP
  - 2 – Development Code Chapter 18.705 amendments
  - 3 – Development Code Chapter 18.730 amendments
  - 4 – Development Code Chapter 18.810 amendments
  - 5 – Additional amendments to portions of Development Code Chapters 18.120, 18.360, 18.520, 18.530 and 18.745.

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FISCAL NOTES

N/A

## Summary of changes to implement the TSP

The following is a summary of changes proposed to implement the TSP adopted in January 2002. After a brief explanation of the change is the code section location for quick reference. Because the changes are made for several reasons, the impetus for the change is also identified (TSP, staff, Metro or DLCD)

### 18.120

Added the following definitions:

- Neighborhood Activity Center
- Queuing Plan **(Staff clarification)**

### 18.360

Amended 18.360.090.11.a to define adjacent as being within 500 feet of a transit route. **(TSP)**

### 18.520

Amended 18.520.020.B to remove reference to major collector streets and replaced with reference to collector street. **(Staff clarification/TSP)**

### 18.530

Amended 18.530.050.A.2 to remove reference to major collector streets and replaced with reference to collector street. **(Staff clarification/TSP)**

### 18.705

Identified that if direct access is permitted onto an arterial or collector street, an application may be required to mitigate any safety or neighborhood traffic management impacts. (18.705.030.G.2) **(TSP)**

Provided access management requirements (18.705.030.H)

- Verify that design of driveways are safe
- Regulate driveway locations from intersections
- Moved spacing of driveways and streets from 18.810 **(TSP)**

### 18.730

Removed reference to specific roadways in the additional setbacks section. The reason for this was that the entire list was very outdated. In addition, the intent could be met by retaining the existing requirement that in the event a street had less than the required right-of-way, the setback for a structure must be no less than the required setback plus ½ the required right-of-way width measured from centerline.(18.730.040.A) **(Staff clarification)**

### 18.745

Amended 18.745.050.C.2.b to remove reference to major and minor collector streets and replaced with reference to collector street. **(Staff clarification/TSP)**

### 18.810

Provided new minimum widths and standards for streets

- Includes lane width, on-street parking, bike lanes, sidewalks, landscape strips and median requirements. (Table 18.810.1 and figures 18.810.1 through 18.810.6) **(TSP/DLCD-TPR)**

Clarified that if the city prepares a future streets plan for an applicant, costs for time involved shall be reimbursed by the applicant (18.810.030.F) **(Staff clarification)**

Added sections requiring street connections to be spaced no less than 520 feet apart to address connectivity requirements. (18.810.030.G.1) **(TSP/Metro)**

Moved spacing of streets to 18.705.030.H **(Staff clarification)**

Clarified how cul-de-sac length is measured (18.810.030.K.2) **(Staff clarification)**

Provide the City engineer with a say in approving street names (18.810.030.L) **(Staff clarification)**

Removed standards that are conflicting with the Engineering Departments Design and Construction standards and that would need to be amended anyway to reflect the removal of minor and major collector references. Standard now says that centerline radii curves shall be as determined by the City Engineer. (18.810.030.N) **(Staff clarification/TSP)**

Added traffic calming provisions requiring a developer to deposit funds towards traffic calming if the City Engineer determines that a development has the potential of creating a negative impact on existing neighborhood streets in regards to excessive speeding, etc. The funds would be kept for up to 5 years and if after that time it is determined that traffic calming measures are not warranted, the funds would be returned. (18.810.030.AB) **(TSP)**

Provided parameters for when a traffic study is required (18.810.030.AC) **(Staff clarification)**

Changed the requirement that blocks not exceed 1,800 feet to 2,120 feet to be consistent with Metro connectivity requirements of streets every 530 feet. (18.810.040.B.1) **(Staff clarification)**

Clarified that bike and pedestrian connections shall be provided when full street connections are exempted, instead of "not possible". (18.810.040.B.2) **(Staff clarification)**

Formalize existing policy by stating that private streets shall be required to have sidewalks along at least one side of the street. (18.810.070.A) **(Staff clarification)**

Required developments to identify gaps in sidewalks and participate in the removal of gaps if the costs can be justified. (18.810.070.B) **(TSP)**

Changed policy that planter strips are required along arterial and collector streets to require planter strips adjacent to all streets except under specific conditions. (The specific conditions are: there is inadequate right-of-way, the curbside sidewalks already exist on predominant portions of the street, it would conflict with utilities, there are natural features which could otherwise be protected, or there are existing structures within 15 feet of the right of way). (18.810.070.C) **(Staff recommendation/POLICY DECISION NEEDED)**

Required bike lanes along all arterial and collector routes and where identified on the adopted bike plan in the TSP. Identify the minimum widths various types of pedestrian and bicycle paths (18.810.110) **(TSP)**

**Chapter 18.705  
ACCESS, EGRESS, AND CIRCULATION**

**Sections:**

- 18.705.010 Purpose**
- 18.705.020 Applicability of Provisions**
- 18.705.030 General Provisions**

**18.705.010 Purpose**

- A. Purpose. The purpose of this chapter is to establish standards and regulations for safe and efficient vehicle access and egress on a site and for general circulation within the site.

**18.705.020 Applicability of Provisions**

- A. When provisions apply. The provisions of this chapter shall apply to all development including the construction of new structures, the remodeling of existing structures (see Section 18.360.050), and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements.
- B. Change or enlargement of use. Should the owner or occupant of a lot or building change or enlarge the use to which the lot or building is put, thereby increasing access and egress requirements, it is unlawful and is a violation of this title to begin or maintain such altered use until the provisions of this chapter have been met if required or until the appropriate approval authority has approved the change.
- C. When site design review is not required. Where the provisions of Chapter 18.360, Site Development Review, do not apply, the Director shall approve, approve with conditions, or deny an access plan submitted under the provisions of this chapter in conjunction with another permit or land use action.
- D. Conflict with subdivision requirements. The requirements and standards of this chapter shall not apply where they conflict with the subdivision rules and standards of this title.

**18.705.030 General Provisions**

- A. Continuing obligation of property owner. The provisions and maintenance of access and egress stipulated in this title are continuing requirements for the use of any structure or parcel of real property in the City.
- B. Access plan requirements. No building or other permit shall be issued until scaled plans are presented and approved as provided by this chapter that show how access, egress and circulation requirements are to be fulfilled. The applicant shall submit a site plan. The Director shall provide the applicant with detailed information about this submission requirement.
- C. Joint access. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the combined requirements as designated in this title, provided:

1. Satisfactory legal evidence shall be presented in the form of deeds, easements, leases or contracts to establish the joint use; and
  2. Copies of the deeds, easements, leases or contracts are placed on permanent file with the City.
- D. Public street access. All vehicular access and egress as required in Sections 18.705.030H and 18.705.030I shall connect directly with a public or private street approved by the City for public use and shall be maintained at the required standards on a continuous basis.
- E. Curb cuts. Curb cuts shall be in accordance with Section 18.810.030N.
- F. Required walkway location. On-site pedestrian walkways shall comply with the following standards:
1. Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Unless impractical, walkways shall be constructed between new and existing developments and neighboring developments;
  2. Within all attached housing (except two-family dwellings) and multi-family developments, each residential dwelling shall be connected by walkway to the vehicular parking area, and common open space and recreation facilities;
  3. Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum 6-inch vertical separation (curbed) or a minimum 3-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards;
  4. Required walkways shall be paved with hard surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways may be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.
- G. Inadequate or hazardous access.
1. Applications for building permits shall be referred to the Commission for review when, in the opinion of the Director, the access proposed:
    - a. Would cause or increase existing hazardous traffic conditions; or
    - b. Would provide inadequate access for emergency vehicles; or
    - c. Would in any other way cause hazardous conditions to exist which would constitute a clear and present danger to the public health, safety, and general welfare.

2. Direct individual access to arterial or collector streets from single-family dwellings and duplex lots shall be discouraged. Direct access to collector or arterial streets shall be considered only if there is no practical alternative way to access the site. If direct access is permitted by the City, the applicant will be required to mitigate for any safety or neighborhood traffic management (NTM) impacts deemed applicable by the City Engineer. This may include, but will not be limited to, the construction of a vehicle turnaround on the site to eliminate the need for a vehicle to back out onto the roadway.
3. In no case shall the design of the service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley. Single-family and duplex dwellings are exempt from this requirement.

#### H. Access Management

1. An access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the City and AASHTO (depending on jurisdiction of facility.)
2. Driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be 150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from City Engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.
3. The minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet.
4. The minimum spacing of local streets along a local street shall be 125 feet.

#### I. Minimum access requirements for residential use.

1. Vehicular access and egress for single-family, duplex or attached single-family dwelling units on individual lots and multi-family residential uses shall not be less than as provided in Table 18.705.1 and Table 18.705.2;

**TABLE 18.705.1  
VEHICULAR ACCESS/EGRESS REQUIREMENTS:  
RESIDENTIAL USE (6 OR FEWER UNITS)**

<b>Number Dwelling Unit/Lots</b>	<b>Minimum Number of Driveways Required</b>	<b>Minimum Access Width</b>	<b>Minimum Pavement Width</b>
1 or 2	1	15'	10'
3-6	1	20'	20'

**TABLE 18.705.2**  
**VEHICULAR ACCESS/EGRESS REQUIREMENTS:**  
**MULTI-FAMILY RESIDENTIAL USE**

<b>Dwelling Units</b>	<b>Minimum Number of Driveways Required</b>	<b>Minimum Access Required</b>	<b>Minimum Pavement Sidewalks, Etc.</b>
1-2	1	15'	10'
3-19	1	30'	24' if two-way, 15' if one-way: Curbs and 5' walkway required
20-49	1 or 2	30'  30'	24' if two-way  15' if one-way: Curbs and 5' walkway required
50-100	2	30'	24' Curbs and 5' walkway required

2. Vehicular access to multi-family structures shall be brought to within 50 feet of the ground floor entrance or the ground floor landing of a stairway, ramp, or elevator leading to the dwelling units;
3. Private residential access drives shall be provided and maintained in accordance with the provisions of the Uniform Fire Code;
4. Access drives in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus by one of the following:
  - a. A circular, paved surface having a minimum turn radius measured from center point to outside edge of 35 feet;
  - b. A hammerhead-configured, paved surface with each leg of the hammerhead having a minimum depth of 40 feet and a minimum width of 20 feet;
  - c. The maximum cross slope of a required turnaround is 5%.
5. Vehicle turnouts, (providing a minimum total driveway width of 24 feet for a distance of at least 30 feet), may be required so as to reduce the need for excessive vehicular backing motions in situations where two vehicles traveling in opposite directions meet on driveways in excess of 200 feet in length;
6. Where permitted, minimum width for driveway approaches to arterials or collector streets shall be no less than 20 feet so as to avoid traffic turning from the street having to wait for traffic exiting the site.

**J. Minimum access requirements for commercial and industrial use.**

1. Vehicle access, egress and circulation for commercial and industrial use shall not be less than 21 as provided in Table 18.705.3;

**TABLE 18.705.3  
VEHICULAR ACCESS/EGRESS REQUIREMENTS:  
COMMERCIAL AND INDUSTRIAL USES**

<b>Required Parking Spaces</b>	<b>Minimum Number of Driveways Required</b>	<b>Minimum Access Width</b>	<b>Minimum Pavement</b>
0-99	1	30'	24' curbs required
100+	2	30'	24' curbs required
	or		
	1	50'	40' curbs required

2. Vehicular access shall be provided to commercial or industrial uses, and shall be located to within 50 feet of the primary ground floor entrances;
  3. Additional requirements for truck traffic may be placed as conditions of site development review.
- K. One-way vehicular access points. Where a proposed parking facility indicates only one-way traffic flow on the site, it shall be accommodated by a specific driveway serving the facility; the entrance drive shall be situated closest to oncoming traffic and the exit drive shall be situated farthest from oncoming traffic.
- L. Director's authority to restrict access. The Director has the authority to restrict access when the need to do so is dictated by one or more of the following conditions:
1. To provide for increased traffic movement on congested streets and to eliminate turning movement problems, the Director may restrict the location of driveways on streets and require the location of driveways be placed on adjacent streets, upon the finding that the proposed access would:
    - a. Cause or increase existing hazardous traffic conditions; or
    - b. Provide inadequate access for emergency vehicles; or
    - c. Cause hazardous conditions to exist which would constitute a clear and present danger to the public health, safety, and general welfare.
  2. To eliminate the need to use public streets for movements between commercial or industrial properties, parking areas shall be designed to connect with parking areas on adjacent properties unless not feasible. The Director shall require access easements between properties where necessary to provide for parking area connections;
  3. To facilitate pedestrian and bicycle traffic, access and parking area plans shall provide efficient sidewalk and/or pathway connections, as feasible, between neighboring developments or land uses;
  4. A decision by the Director per 18.705.030 K.1.-3. above may be appealed by means of a Type II procedure, as regulated by Section 18.390.040, using criteria contained in Section 18.370.020 C3

**Chapter 18.730**  
**EXCEPTIONS TO DEVELOPMENT STANDARDS**

**Sections:**

- 18.730.010 Purpose**
- 18.730.020 Exceptions to Building Height Limitations**
- 18.730.030 Zero Lot Line Setback Standards**
- 18.730.040 Additional Setback Requirements**
- 18.730.050 Miscellaneous Requirements and Exceptions**

**18.730.010 Purpose**

- A. Purpose. The purpose of this chapter is to present exceptions to the height and setback standards which apply in various zoning districts as detailed in Chapters 18.510, 18.520 and 18.530. Flexible and/or more stringent setback standards are designed to allow for the maximum use of land and to allow for a varied building layout pattern while ensuring there will be adequate open space, light, air and distance between buildings to protect public health and safety.

**18.730.020 Exceptions to Building Height Limitations**

- A. Projections not used for human habitation. Projections such as chimneys, spires, domes, elevator shaft housings, towers excluding TV dish receivers, aerials, flag poles, and other similar objects not used for human occupancy, are not subject to the building height limitations of this title.
- B. Building height exceptions. Any building located in a non-residential zone may be built to a maximum height of 75 feet; provided:
  - 1. The total floor area of the building does not exceed 1-1/2 times the area of the site;
  - 2. The yard dimensions in each case are equal to at least 1/2 of the building height of the primary structure; and
  - 3. The structure is not abutting a residential zoning district.
- C. Building heights and flag lots.
  - 1. Limitations on the placement of residential structures on flag lots apply when any of the following exist:
    - a. A flag lot was created prior to April 15, 1985;
    - b. A flag lot is created after April 15, 1985 by an approved partition; or
    - c. A flag lot is created by the approval of a subdivision and the flag lot is located on the periphery of the subdivision so that the lot adjoins other residentially-zoned land.
  - 2. The maximum height for an attached or detached single-family, duplex, or multiple-family residential structure on a flag lot or a lot having sole access from an accessway, private drive or easement is 1-1/2 stories or 25 feet, whichever is less, except that the maximum height may be 2-1/2 stories or 35 feet, whichever is less, provided:

- a. The proposed dwelling otherwise complies with the applicable dimensional requirements of the zoning district;
  - b. A 10 feet side yard will be preserved;
  - c. A residential structure on any abutting lot either is located 50 feet or more from the nearest point of the subject dwelling, or the residential structure exceeds 1-1/2 stories or 25 feet in height on any abutting lot; and
  - d. Windows 15 feet or more above grade shall not face dwelling unit windows or patios on any abutting lot unless the proposal includes an agreement to plant trees capable of mitigating direct views, or that such trees exist and will be preserved.
3. Where an agreement is made to plant trees capable of mitigating direct views, the agreement shall be deemed a condition of approval under the provisions of Section 18.390.030 D.
  4. The tree planting agreement shall be a condition of Chapter 18.360, Site Development Review, for three or more attached units or a multiple-family residential structure, or, at the time of issuance of building permits, for single detached units, one duplex or two attached residential units.

#### **18.730.030 Zero Lot Line Setback Standards**

A. Applicability and limitations. The provisions of this chapter apply to the R-4.5 and R-7 zoning districts and are limited to single-family detached dwelling units. The provisions of this chapter shall be applied in conjunction with:

1. An application for planned development approval under the provisions of Chapter 18.350, Planned Development;
2. An application for subdivision approval under the provisions of Chapter 18.430, Subdivision; or
3. An application for partitioning approval under the provisions of Chapter 18.420, Partition.

B. Approval criteria and conditions.

1. The approval authority shall approve, approve with conditions or deny an application for a zero lot line development based on findings that:
  - a. There shall be a 10-foot separation between each residential dwelling structure or garage;
  - b. No residential dwelling shall be placed on a lot line which is common to a lot line which is not a part of the overall development;
  - c. No structure shall be placed on a lot line which is common to a public or private road right-of-way or easement line; and
  - d. A five-foot non-exclusive maintenance easement shall be delineated on the plan for each lot having a zero setback area:

- (1) The easement shall be on the adjacent lot and shall describe the maintenance requirements for the zero lot line wall, or deed restrictions must be submitted with the preliminary plat which addresses the maintenance requirements for the zero setback wall of the detached dwellings; and
  - (2) The easement shall be recorded with Washington County and submitted to the City with the recorded final plat prior to the issuance of any building permits within the development.
2. The approval authority requires the following conditions to be satisfied:
  - a. Deed restrictions shall be recorded with Washington County which ensure that:
    - (1) The 10-foot separation between the residential structures shall remain in perpetuity; and
    - (2) The 10-foot separation between the residential structures shall be maintained free from any obstructions other than:
      - (a) The eaves of the structure;
      - (b) A chimney which may encroach into the setback area by not more than two feet;
      - (c) A swimming pool;
      - (d) Normal landscaping; or
      - (e) A garden wall or fence equipped with a gate for emergency access and maintenance purposes.
  - b. Easements shall be granted where any portion of the structure or architectural feature projects over a property line; and
  - c. The maximum lot coverage for zero lot line shall not exceed the maximum lot coverage for the base zone.
- C. Application submission requirements. All applications shall be made on forms provided by the Director in accordance with Chapter 18.350, Planned Developments, Chapter 18.430, Subdivisions, or Chapter 18.420, Partitions, and shall be accompanied by:
  1. Copies of the plat plan indicating building and easement location and dimensions, and necessary data or narrative which explains how the development conforms to the standards;
  2. A list of names and addresses of all property owners of record immediately abutting the site;
  3. All other requirements of Chapters 18.350, 18.430 and 18.420 shall apply.

**18.730.040 Additional Setback Requirements**

- A. Additional setback from specified roadways. ~~To ensure improved light, air, and sight distance and to protect the public health, safety, and welfare, structures in any zoning district which abut certain arterial and collector streets shall be set back a minimum distance from the centerline of the street. Where the street is not improved, the measurement shall be made at right angles from the centerline or general extension of the street right of way:~~
- ~~1. Arterial Streets. The required setback distance for buildings on arterial streets is the setback distance required by the zoning district plus the following distances measured from the centerline of the street as contained in Table 18.730.1.~~
  - ~~2. Collector Streets. The required setback distance for buildings on the following collector streets is the setback distance required by the zoning district plus 30 feet measured from the centerline of the street as contained in Table 18.730.1.~~

**TABLE 18.730.1**  
**ADDITIONAL CENTERLINE SETBACK REQUIREMENTS**

**Street Names Requirement**

Arterial Streets:

SW Pacific Highway (within City Limits)	50 feet
SW Hall Boulevard	45 feet
SW Scholls Ferry Road (except between its intersections with Old Scholls Ferry Road)	50 feet
SW Durham Road (between Hall Boulevard and Upper Boones Ferry)	45 feet
SW Upper Boones Ferry Road	45 feet

Collector Streets:

SW Ash Avenue	30 feet
SW Atlanta Haines (east of 68th Avenue)	30 feet
SW Atlanta (west of 68th Avenue)	30 feet
SW Beef Bend Road	30 feet
SW Bonita Road	30 feet
SW Bull Mountain Road	30 feet
SW Burnham Street	30 feet
SW Cascade Boulevard	30 feet
SW Commercial Street	30 feet
SW Durham Road (between Pacific Highway and Hall Boulevard)	30 feet
SW Franklin Street	30 feet
SW Gaarde Street	30 feet
SW Grant Avenue	30 feet
SW Greenburg Road	30 feet
SW Hunziker Road	30 feet
SW Main Street	30 feet
SW McDonald Street	30 feet
SW Murdock Street	30 feet
SW North Dakota Avenue	30 feet
SW Oak (west of Hall Boulevard)	30 feet

SW Pfaffle Street	30 feet
SW Sattler Street (40 ft pavement between 100th/Hall)	30 feet
SW Scholls Ferry (between its intersections with Old Scholls Ferry Road)	30 feet

**TABLE 18.730.1 (CON'T)**  
**ADDITIONAL CENTERLINE SETBACK REQUIREMENTS**

<b>Street Names</b>	<b>Requirement</b>
---------------------	--------------------

SW Summerfield Drive	30 feet
SW Tiedeman Avenue	30 feet
SW Tigard Street	30 feet
SW Walnut Street	30 feet
SW 68th Avenue	30 feet
SW 68th Avenue (south of Pacific Highway)	30 feet
SW 70th Avenue (south of Pacific Highway)	30 feet
SW 72nd Avenue	30 feet
SW 97th Avenue	30 feet
SW 98th Avenue	30 feet
SW 110th Avenue	30 feet
SW 121st Avenue	30 feet
Planned, SW Dartmouth to Pfaffle connection	30 feet
Planned, SW Hampton to 69th (westerly loop road)	30 feet

3.— The minimum yard requirement shall be increased in the event a yard abuts a street having a right-of-way width less than required by its functional classification on the City's transportation plan map and, in such case, the setback shall be not less than the setback required by the zone plus one-half of the projected road width as shown on the transportation map.

~~4. The minimum distance from the wall of any structure to the centerline of an abutting street, however, shall not be less than 25 feet plus the yard required by the zone. This provision shall not apply to rights of way of 50 feet or greater in width.~~

B. Distance between multi-family residential structure and other structures on site.

1. To provide privacy, light, air, and access to the multiple and attached residential dwellings within a development, the following separations shall apply:
  - a. Buildings with windowed walls facing buildings with windowed walls shall have a 25-foot separation;
  - b. Buildings with windowed walls facing buildings with a blank wall shall have a 15-foot separation;
  - c. Buildings with opposing blank walls shall have a 10-foot separation;
  - d. Building separation shall also apply to buildings having projections such as balconies, bay windows and room projections; and

- e. Buildings with courtyards to maintain separation of opposing walls as listed in Subsections 1-3 above for walls in separate buildings.
- 2. Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be one foot for each 15 feet of building length over 50 feet and two feet for each 10 feet of building height over 30 feet.
- 3. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within eight feet of the ground level:
  - a. Driveways and parking lots shall be separated from windowed walls by at least eight feet; walkways running parallel to the face of the structures shall be separated by at least five feet; and
  - b. Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways running parallel to the face of the structure shall be separated by at least seven feet.
- C. When no yard setback is required. In zoning districts where a side yard or a rear yard setback is not required, a structure which is not to be built on the property line shall be set back from the property line by a distance in accordance with the Uniform Building Code requirements.

#### **18.730.050 Miscellaneous Requirements and Exceptions**

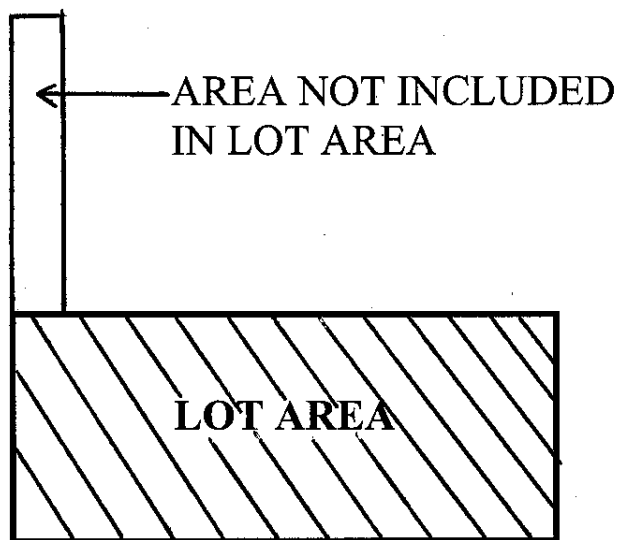
- A. When abutting properties have non-conforming front setbacks. If there are dwellings on both abutting lots with front yard depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
- B. When one abutting property has a non-conforming front setback. If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.
- C. Storage in front yard. Boats, trailers, campers, camper bodies, house trailers, recreation vehicles or commercial vehicles in excess of 3/4 ton capacity may be stored in a required front yard in a residential zone subject to the following:
  - 1. No such unit shall be parked in a visual clearance area of a corner lot or in the visual clearance area of a driveway which would obstruct vision from an adjacent driveway or street;
  - 2. No such unit shall be used for dwelling purposes except that one camper, house trailer or recreational vehicle may be used for sleeping purposes only by friends, relatives or visitors on land entirely owned by or leased to the host person for a period not to exceed 14 days in one calendar year, provided that such unit shall not be connected to any utility, other than temporary electricity hookups and provided that the host person shall receive no compensation for such occupancy or use;
  - 3. Any such unit parked in the front yard shall have current state license plates or registration and must be kept in mobile condition.

D. Projections into required yards.

1. Cornices, eaves, belt courses, sills, canopies or similar architectural features may extend or project into a required yard not more than 36 inches provided the width of such yard is not reduced to less than three feet;
2. Fireplace chimneys may project into a required front, side or rear yard not more than three feet provided the width of such yard is not reduced to less than three feet;
3. Open porches, decks or balconies not more than 36 inches in height and not covered by a roof or canopy, may extend or project into a required rear or side yard provided such natural yard area is not reduced to less than three feet and the deck is screened from abutting properties. Porches may extend into a required front yard not more than 36 inches;
4. Unroofed landings and stairs may project into required front or rear yards only.

E. Lot area for flag lots.

1. The lot area for a flag lot shall comply with the lot area requirements of the applicable zoning district;
2. The lot area shall be provided entirely within the building site area exclusive of any accessway (see figure following).



- F. Front yard determination. The owner or developer of a flag lot may determine the location of the front yard, provided no side yard setback area is less than 10 feet and provided the requirements of Section 18.730.010C, Building Heights and Flag Lots, are satisfied.

**Chapter 18.810  
STREET AND UTILITY IMPROVEMENT STANDARDS**

**Sections:**

<b>18.810.010</b>	<b>Purpose</b>
<b>18.810.020</b>	<b>General Provisions</b>
<b>18.810.030</b>	<b>Streets</b>
<b>18.810.040</b>	<b>Blocks</b>
<b>18.810.050</b>	<b>Easements</b>
<b>18.810.060</b>	<b>Lots</b>
<b>18.810.070</b>	<b>Sidewalks</b>
<b>18.810.080</b>	<b>Public Use Areas</b>
<b>18.810.090</b>	<b>Sanitary Sewers</b>
<b>18.810.100</b>	<b>Storm Drainage</b>
<b>18.810.110</b>	<b>Bikeways and Pedestrian Pathways</b>
<b>18.810.120</b>	<b>Utilities</b>
<b>18.810.130</b>	<b>Cash or Bond Required</b>
<b>18.810.140</b>	<b>Monuments</b>
<b>18.810.150</b>	<b>Installation Prerequisite</b>
<b>18.810.160</b>	<b>Installation Conformation</b>
<b>18.810.170</b>	<b>Plan Check</b>
<b>18.810.180</b>	<b>Notice to City</b>
<b>18.810.190</b>	<b>City Inspection</b>
<b>18.810.200</b>	<b>Engineer's Certification</b>
<b>18.810.210</b>	<b>Completion Requirements</b>

**18.810.010 Purpose**

- A. Purpose. The purpose of this chapter is to provide construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage.

**18.810.020 General Provisions**

- A. When standards apply. Unless otherwise provided, construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements shall occur in accordance with the standards of this title. No development may occur and no land use application may be approved unless the public facilities related to development comply with the public facility requirements established in this section and adequate public facilities are available. Applicants may be required to dedicate land and build required public improvements only when the required exaction is directly related to and roughly proportional to the impact of the development.
- B. Standard specifications. The City Engineer shall establish standard specifications consistent with the application of engineering principles.
- C. Section 7.40 applies. The provision of Section 7.40 of the Tigard Municipal Code shall apply to this chapter.
- D. Adjustments. Adjustments to the provisions in this chapter related to street improvements may be granted by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria in Section 18.370.030 C9. (Ord. 99-22)
- E. Except as provided in Section 18.810.030S, as used in this chapter, the term "streets" shall mean

"public streets" unless an adjustment under Section 18.810.020.D is allowed. (Ord. 99-22)

### **18.810.030 Streets**

#### **A. Improvements.**

1. No development shall occur unless the development has frontage or approved access to a public street.
2. No development shall occur unless streets within the development meet the standards of this chapter.
3. No development shall occur unless the streets adjacent to the development meet the standards of this chapter, provided, however, that a development may be approved if the adjacent street does not meet the standards but half-street improvements meeting the standards of this title are constructed adjacent to the development.
- 4 Any new street or additional street width planned as a portion of an existing street shall meet the standards of this chapter;
5. If the City could and would otherwise require the applicant to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist:
  - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
  - b. A partial improvement may create a potential safety hazard to motorists or pedestrians;
  - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
  - d. The improvement would be in conflict with an adopted capital improvement plan;
  - e. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or
  - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.
6. The standards of this chapter include the standard specifications adopted by the City Engineer pursuant to Section 18.810.020.B.
7. The approval authority may approve adjustments to the standards of this chapter if compliance with the standards would result in an adverse impact on natural features such as wetlands, steep slopes, or existing mature trees. The approval authority may also approve adjustments to the standards of this chapter if compliance with the standards would have a substantial adverse impact on existing development or would preclude development on the property where the development is proposed. In approving an adjustment to the standards, the approval authority

shall balance the benefit of the adjustment with the impact on the public interest represented by the standards. In evaluating the impact on the public interest, the approval authority shall consider the criteria listed in Section 18.810.030 E.1. An adjustment to the standards may not be granted if the adjustment would risk public safety.

B. Creation of rights-of-way for streets and related purposes. Rights-of-way shall be created through the approval of a final subdivision plat or major partition; however, the Council may approve the creation of a street by acceptance of a deed, provided that such street is deemed essential by the Council for the purpose of general traffic circulation:

1. The Council may approve the creation of a street by deed of dedication without full compliance with the regulations applicable to subdivisions or major partitions if any one or more of the following conditions are found by the Council to be present:
  - a. Establishment of a street is initiated by the Council and is found to be essential for the purpose of general traffic circulation, and partitioning or subdivision of land has an incidental effect rather than being the primary objective in establishing the road or street for public use; or
  - b. The tract in which the road or street is to be dedicated is an isolated ownership of one acre or less and such dedication is recommended by the Commission to the Council based on a finding that the proposal is not an attempt to evade the provisions of this title governing the control of subdivisions or major partitions.
2. With each application for approval of a road or street right-of-way not in full compliance with the regulations applicable to the standards, the proposed dedication shall be made a condition of subdivision and major partition approval:
  - a. The applicant shall submit such additional information and justification as may be necessary to enable the Commission in its review to determine whether or not a recommendation for approval by the Council shall be made;
  - b. The recommendation, if any, shall be based upon a finding that the proposal is not in conflict with the purpose of this title;
  - c. The Commission in submitting the proposal with a recommendation to the Council may attach conditions which are necessary to preserve the standards of this title; and
3. All deeds of dedication shall be in a form prescribed by the City and shall name “the public,” as grantee.

C. Creation of access easements. The approval authority may approve an access easement established by deed without full compliance with this title provided such an easement is the only reasonable method by which a lot large enough to develop can be created:

1. Access easements shall be provided and maintained in accordance with the Uniform Fire Code Section 10.207;
2. Access shall be in accordance with Sections 18.705.030.H and 18.705.030.I.

D. Street location, width and grade. Except as noted below, the location, width and grade of all streets shall conform to an approved street plan and shall be considered in their relation to existing and

planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the City Engineer in accordance with Subsection M below; and
  2. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either:
    - a. Provide for the continuation or appropriate projection of existing streets in the surrounding areas, or
    - b. Conform to a plan adopted by the Commission, if it is impractical to conform to existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.
- E. Minimum rights-of-way and street widths. Unless otherwise indicated on an approved street plan, or as needed to continue an existing improved street, street right-of-way and roadway widths shall not be less than the minimum width described below. Where a range is indicated, the width shall be determined by the decision-making authority based upon anticipated average daily traffic (ADT) on the new street segment. (The City Council may adopt by resolution, design standards for street construction and other public improvements. The design standards will provide guidance for determining improvement requirements within the specified ranges.) These are presented in Table 18.810.1.
1. The decision-making body shall make its decision about desired right-of-way width and pavement width of the various street types within the subdivision or development after consideration of the following:
    - a. The type of road as set forth in the Comprehensive Plan Transportation Chapter - Functional Street Classification;
    - b. Anticipated traffic generation;
    - c. On-street parking needs;
    - d. Sidewalk and bikeway requirements;
    - e. Requirements for placement of utilities;
    - f. Street lighting;
    - g. Drainage and slope impacts;
    - h. Street tree location;
    - i. Planting and landscape areas;
    - j. Safety and comfort for motorists, bicyclists, and pedestrians;
    - k. Access needs for emergency vehicles.

**TABLE 18.810.1  
MINIMUM RIGHTS-OF-WAY AND STREET WIDTHS**

Type of Street	Right-of-Way Width (feet)	Roadway Width (feet)	Moving Lanes
Arterial	60'-90'	42'-/lane	2-4
Major Collector	60'-80'	44'	2-4
Minor Collector	60'	40'	2-3
Local Street—Commercial and Industrial	50'	34'	2
Residential Access Streets			
a.—Through street with:			
—Less Than 1500 ADT	50'	32'	2
—Less Than 500 ADT	46'	28'	1-2
—Less Than 200 ADT	42'	24'	1-2
b.—Cul-de-sac dead-end streets:			
—Less Than 500 ADT	46'	28'	1-2
—Less Than 200 ADT	42'	24'	1-2
(Cul-de-sacs shall be no more than 200 feet long and serve no more than 20 dwelling units)			
Turn-Arounds for Dead-end Streets in Industrial and Commercial Zones Only	50'-radius	42'-radius	1
Turn-Arounds for Cul-de-sac Dead-End Streets in Residential Zones Only	47'-radius	40'-radius	1
Alley—Residential	16'	16'	
Alley—Business or Industrial	20'	20'	

**Table 18.810.1**  
**Minimum Widths for Street Characteristics**

<u>Type of Street</u>	<u>Right-of-Way Width (Ft)</u>	<u>Paved Width (Ft)</u>	<u>Number of Lanes</u>	<u>Min. Lane Width (Ft)</u>	<u>On-street Parking Width (Ft)</u>	<u>Bike Lane Width (Ft)</u>	<u>Sidewalk Width (Ft)</u>	<u>Landscape Strip Width (Ft) (exclusive of curb)</u>	<u>Median Width (Ft)</u>
<u>Arterial</u>	<u>64'-128'</u>	<u>Varies</u>	<u>2 - 7 (Refer to TSP)</u>	<u>12'</u>	<u>N/A</u>	<u>6' (New Streets)</u> <u>5'-6' (Existing Streets)</u>	<u>8' (Res. &amp; Ind. Zones)</u> <u>10' (Comm. Zones)</u>	<u>5'</u>	<u>12'<sup>(1)</sup></u>
<u>Collector</u>	<u>58'-96'</u>	<u>Varies</u>	<u>2 - 5 (Refer to TSP)</u>	<u>11'</u>	<u>N/A</u>	<u>6' (New Streets)</u> <u>5'-6' (Existing Streets)</u>	<u>6' (Res. &amp; Ind. Zones)</u> <u>8' (Comm. Zones)</u>	<u>5'</u>	<u>12'<sup>(1)</sup></u>
<u>Neighborhood Route</u>	<u>50'-58'</u>	<u>28'-36'</u>	<u>2</u>	<u>10'</u>	<u>8'</u>	<u>5'-6'</u>	<u>5'-6'<sup>(2)</sup></u>	<u>5'</u>	<u>N/A</u>
<u>Local:</u>									
<u>Industrial/Commercial</u>	<u>50'</u>	<u>36'</u>	<u>2</u>			<u>N/A</u>	<u>5'-6'<sup>(2)</sup></u>	<u>5'</u>	<u>N/A</u>
<u>Local: Residential</u>									<u>N/A</u>
• <u>Under 1500 ADT<sup>(3)</sup></u>	<u>54'</u>	<u>32'</u>	<u>2</u>		<u>8' (both sides)</u>	<u>N/A</u>	<u>5'-6'<sup>(2)</sup></u>	<u>5'</u>	
• <u>Under 500 ADT<sup>(3)</sup></u>	<u>50'</u>	<u>28'</u>	<u>2</u>		<u>8' (one side)</u>	<u>N/A</u>			
• <u>Under 200 ADT<sup>(3)</sup></u>	<u>46'</u>	<u>24'</u>	<u>2</u>		<u>(No Parking)</u>	<u>N/A</u>			
<u>Cul-de-sac bulbs in Industrial and Commercial zones</u>	<u>50' radius</u>	<u>42' radius</u>	<u>N/A</u>	<u>N/A</u>		<u>N/A</u>			<u>N/A</u>
<u>Cul-de-sac bulbs in Residential zones</u>	<u>47' radius</u>	<u>40' radius</u>	<u>N/A</u>	<u>N/A</u>		<u>N/A</u>		<u>N/A</u>	<u>N/A</u>
<u>Alley: Residential</u>	<u>16'</u>	<u>16'</u>			<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Alley: Business</u>	<u>20'</u>	<u>20'</u>			<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

<sup>1</sup> Medians required for 5 and 7 lane roadways. They are optional for 3 lane roadways.

<sup>2</sup> Sidewalk widths for these streets shall be 5 ft with landscape strip; 6 ft if against curb (if permitted in accordance with 18.810.070.C).

<sup>3</sup> "Skinny Street" roadway widths are permitted only if the cross section criteria are met. Refer to corresponding cross sections (Figures 18.810.3, 18.810.4 and 18.810.5) for details and conditions.

Figure 18.810.1  
 Arterials Sample Cross Sections

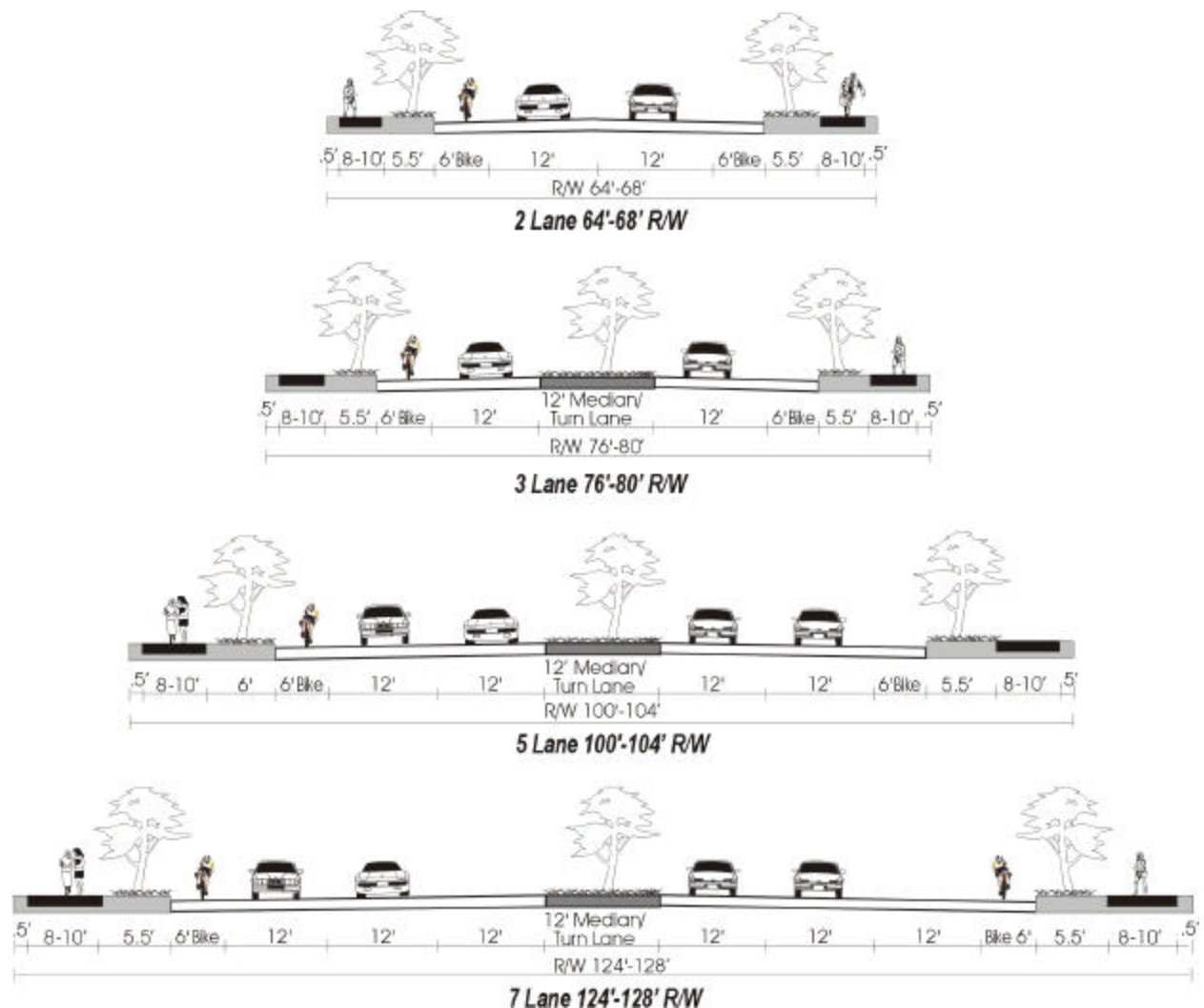


Figure 18.810.2  
Collector Sample Cross Sections

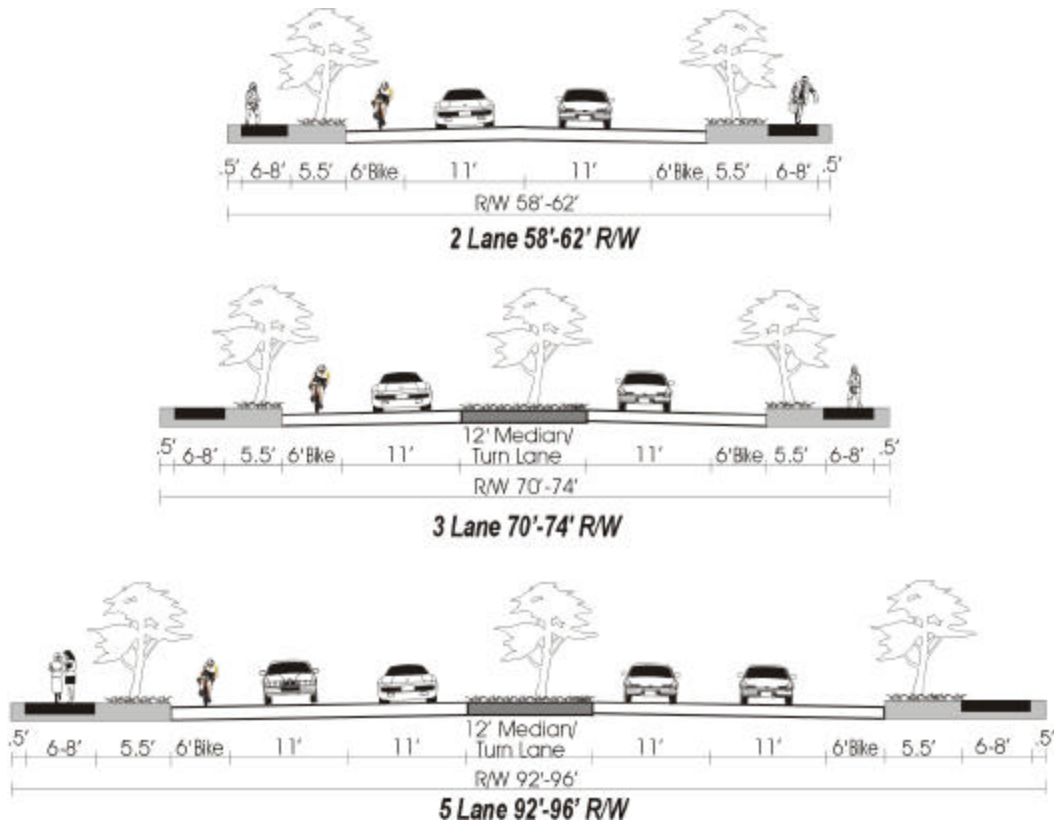


Figure 18.810.3  
Neighborhood Routes  
Sample Cross Sections

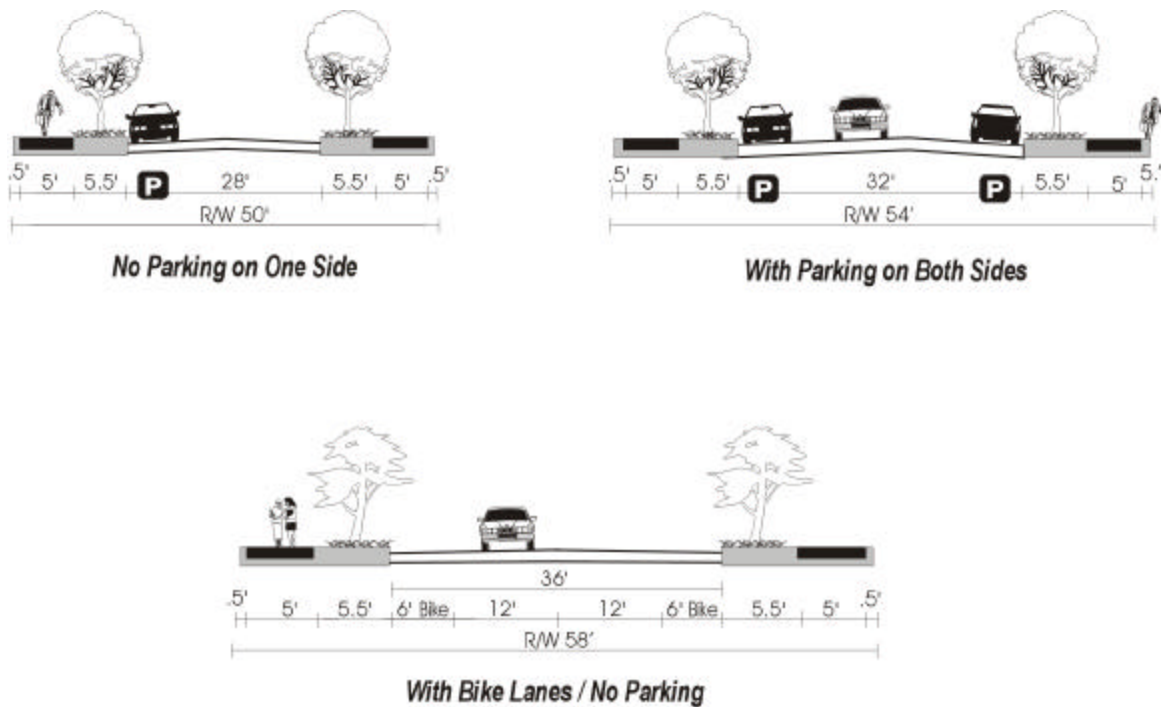


Figure 18.810.4  
Local Residential Streets - <1,500 vpd

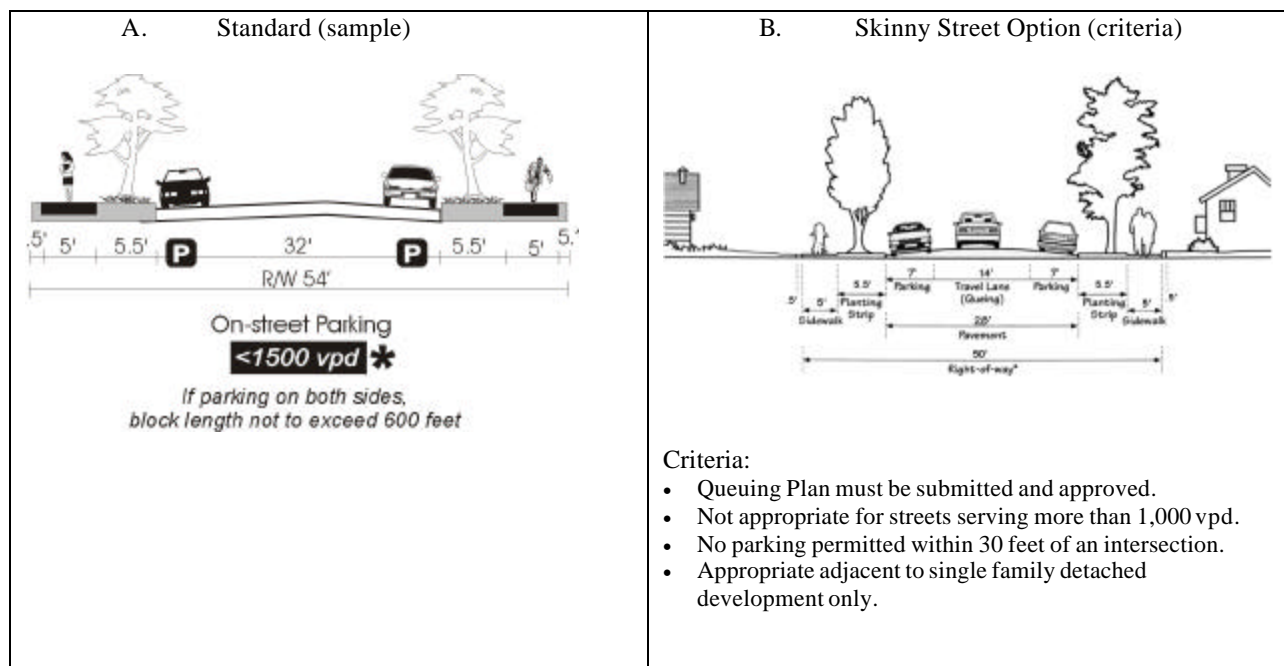


Figure 18.810.5  
Local Residential Streets < 500 vpd

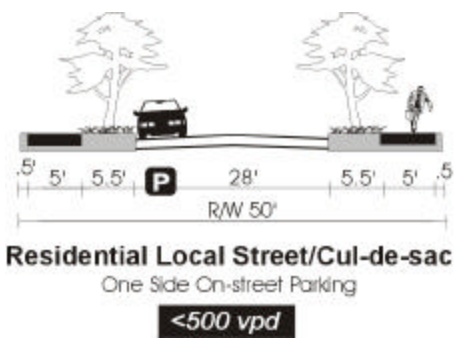
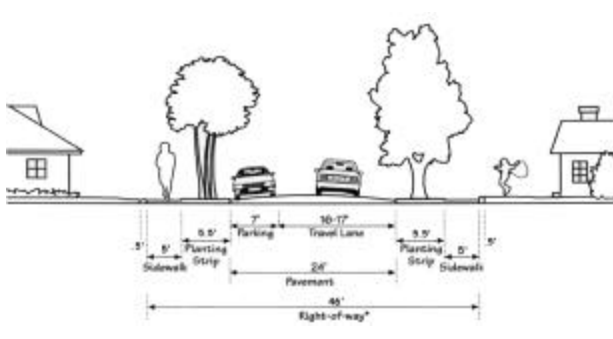
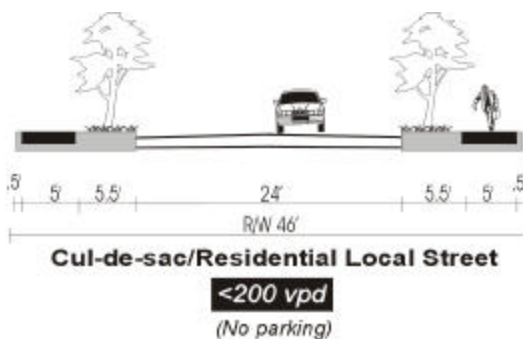
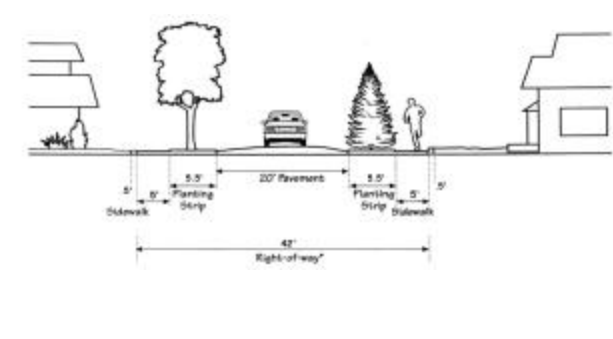
<p>A. Standard (sample)</p>  <p><b>Residential Local Street/Cul-de-sac</b> One Side On-street Parking <b>&lt;500 vpd</b></p>	<p>B. Skinny Street Option (criteria)</p>  <p>Criteria:</p> <ul style="list-style-type: none"> <li>• Queuing Plan must be submitted and approved.</li> <li>• Not appropriate for streets serving more than 500 vpd.</li> <li>• No parking permitted within 30 feet of an intersection.</li> <li>• Appropriate adjacent to single family detached development only.</li> <li>• Must provide a minimum of (1) off-street parking space for every 20 feet of restricted street frontage.</li> </ul>
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Figure 18.810.6  
Local Residential Street < 200 vpd

<p>A. Standard (sample)</p>  <p><b>Cul-de-sac/Residential Local Street</b> <b>&lt;200 vpd</b> (No parking)</p>	<p>B. Skinny Street Option (criteria)</p>  <p>Criteria:</p> <ul style="list-style-type: none"> <li>• Queuing Plan must be submitted and approved.</li> <li>• Not appropriate for streets serving more than 500 vpd.</li> <li>• No parking permitted within 30 feet of an intersection.</li> <li>• Appropriate adjacent to single family detached development only.</li> <li>• Must provide a minimum of (1) off-street parking space for every 20 feet of restricted street frontage.</li> </ul>
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F. Future street plan and extension of streets.

1. A future street plan shall:

- Be filed by the applicant in conjunction with an application for a subdivision or partition. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 530 feet surrounding and adjacent to the proposed land division. At the applicant's request, the City shall-may prepare a future streets proposal. Costs of the City preparing a future streets proposal shall be

reimbursed for the time involved. A street proposal may be modified when subsequent subdivision proposals are submitted.

- b. Identify existing or proposed bus routes, pullouts or other transit facilities, bicycle routes and pedestrian facilities on or within 530 feet of the site.
2. Where necessary to give access or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed, and
  - a. These extended streets or street stubs to adjoining properties are not considered to be culs-de-sac since they are intended to continue as through streets at such time as the adjoining property is developed.
  - b. A barricade shall be constructed at the end of the street by the property owners which shall not be removed until authorized by the City Engineer, the cost of which shall be included in the street construction cost.
  - c. Temporary hammerhead turnouts or temporary cul-de-sac bulbs shall be constructed for stub street in excess of 150 feet in length.

G. Street spacing and access management. Refer to 18.705.030.H.

GH. Street alignment and connections.

1. Full street connections with spacing of no more than 530 feet between connections is required except where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to a regulated water feature if regulations would not permit construction.

1. ~~Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of such street.~~

~~2. Spacing between local street intersections shall have a minimum separation of 125 feet.~~

23. All local ~~and minor~~, neighborhood routes and collector streets which abut a development site shall be extended within the site to provide through circulation when not precluded by environmental or topographical constraints, existing development patterns or strict adherence to other standards in this code. A street connection or extension is considered precluded when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the constraint precludes some reasonable street connection.

34. Proposed street or street extensions shall be located to provide direct access to existing or planned transit stops, commercial services, and other neighborhood facilities, such as schools, shopping areas and parks.

45. All developments should provide an internal network of connecting streets that provide short, direct travel routes and minimize travel distances within the development.

**HI. Intersection angles.** Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle, but in no case shall the angle be less than 75° unless there is special intersection design, and:

1. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;
2. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and
3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.

**IJ. Existing rights-of-way.** Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development.

**JK. Partial Street Improvements.** Partial street improvements resulting in a pavement width of less than 20 feet; while generally not acceptable, may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property developed.

**KL. Culs-de-sacs.** A cul-de-sac shall be no more than 200 feet long shall not provide access to greater than 20 dwelling units, and shall only be used when environmental or topographical constraints, existing development pattern, or strict adherence to other standards in this code preclude street extension and through circulation:

1. All culs-de-sac shall terminate with a turnaround. Use of turnaround configurations other than circular, shall be approved by the City Engineer; and
2. The length of the cul-de-sac shall be measured from the centerline intersection point of the two streets to the radius point of the bulb, along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
3. If a cul-de-sac is more than 300 feet long, a lighted direct pathway to an adjacent street may be required to be provided and dedicated to the City.

**LM. Street names.** No street name shall be used which will duplicate or be confused with the names of existing streets in Washington County, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and as approved by the City Engineer.

**MN. Grades and curves.**

1. Grades shall not exceed ten percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:
- ~~12. Centerline radii of curves shall be as determined by the City Engineer, not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and~~
- ~~2. Streets intersecting with a minor collector or greater functional classification street, or streets~~

~~intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.~~

**NO.** Curbs, curb cuts, ramps, and driveway approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in this chapter and Section 15.04.080; and:

1. Concrete curbs and driveway approaches are required; except
2. Where no sidewalk is planned, an asphalt approach may be constructed with City Engineer approval; and
3. Asphalt and concrete driveway approaches to the property line shall be built to City configuration standards.

**OP.** Streets adjacent to railroad right-of-way. Wherever the proposed development contains or is adjacent to a railroad right-of-way, provision shall be made for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land. The distance shall be determined with due consideration at cross streets or the minimum distance required for approach grades and to provide sufficient depth to allow screen planting along the railroad right-of-way in nonindustrial areas.

**PQ.** Access to arterials and ~~major~~ collectors. Where a development abuts or is traversed by an existing or proposed arterial or ~~major~~ collector street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design shall include any of the following:

1. A parallel access street along the arterial or ~~major~~ collector;
2. Lots of suitable depth abutting the arterial or ~~major~~ collector to provide adequate buffering with frontage along another street;
3. Screen planting at the rear or side property line to be contained in a nonaccess reservation along the arterial or ~~major~~ collector; or
4. Other treatment suitable to meet the objectives of this subsection;
5. If a lot has access to two streets with different classifications, primary access should be from the lower classification street.

**QR.** Alleys, public or private.

1. Alleys shall be no less than 20 feet in width. In commercial and industrial districts, alleys shall be provided unless other permanent provisions for access to off-street parking and loading facilities are made.
2. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

**RS.** Survey monuments. Upon completion of a street improvement and prior to acceptance by the City, it

shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.

**ST. Private Streets.**

1. Design standards for private streets shall be established by the City Engineer; and
2. The City shall require legal assurances for the continued maintenance of private streets, such as a recorded maintenance agreement.
3. Private streets serving more than six dwelling units are permitted only within planned developments, mobile home parks, and multi-family residential developments.

**TU. Railroad crossings.** Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the public works Director and approved by the Commission.

**UY. Street signs.** The City shall install all street signs, relative to traffic control and street names, as specified by the City Engineer for any development. The cost of signs shall be the responsibility of the developer.

**YW. Mailboxes.** Joint mailbox facilities shall be provided in all residential developments, with each joint mailbox serving at least two dwelling units.

1. Joint mailbox structures shall be placed adjacent to roadway curbs;
2. Proposed locations of joint mailboxes shall be designated on a copy of the preliminary plat or development plan, and shall be approved by the City Engineer/US Post Office prior to final plan approval; and
3. Plans for the joint mailbox structures to be used shall be submitted for approval by the City Engineer/US Post Office prior to final approval.

**WX. Traffic signals.** The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The cost shall be included as a condition of development.

**XY. Street light standards.** Street lights shall be installed in accordance with regulations adopted by the City's direction.

**YZ. Street name signs.** Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

**ZAA. Street cross-sections.** The final lift of asphalt concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer. The final lift shall also be placed no later than when 90% of the structures in the new development are completed or three years from the commencement of initial construction of the development, whichever is less.

1. Sub-base and leveling course shall be of select crushed rock;

2. Surface material shall be of Class C or B asphaltic concrete;
3. The final lift shall be placed on all new construction roadways prior to City final acceptance of the roadway; however, not before 90% of the structures in the new development are completed unless three years have elapsed since initiation of construction in the development;
4. The final lift shall be Class C asphaltic concrete as defined by A.P.W.A. standard specifications; and
5. No lift shall be less than 1-1/2 inches in thickness. (Ord. 99-22)

AB Traffic Calming. When, in the opinion of the City Engineer, the proposed development will create a negative traffic condition on existing neighborhood streets, such as excessive speeding, the developer may be required to provide traffic calming measures. These measures may be required within the development and/or offsite as deemed appropriate. As an alternative, the developer may be required to deposit funds with the City to help pay for traffic calming measures that become necessary once the development is occupied and the City Engineer determines that the additional traffic from the development has triggered the need for traffic calming measures. The City Engineer will determine the amount of funds required, and will collect said funds from the developer prior to the issuance of a certificate of occupancy, or in the case of subdivision, prior to the approval of the final plat. The funds will be held by the City for a period of five (5) years from the date of issuance of certificate of occupancy, or in the case of a subdivision, the date of final plat approval. Any funds not used by the City within the five-year time period will be refunded to the developer.

AC. A traffic study shall be required for all new developments under any of the following circumstances:

1. when they generate a 10% or greater increase in existing traffic to high collision intersections identified by Washington County.
2. Trip generations from development onto the City street at the point of access and the existing ~~adt~~ADT fall within the following ranges:

<u>Existing ADT</u>	<u>ADT to be added by development</u>
0-3,000 vpd	2,000 vpd
3,001-6,000 vpd	1,000vpd
>6,000 vpd	500 vpd or more

3. If any of the following issues become evident to the City engineer:
  - a. High traffic volumes on the adjacent roadway that may affect movement into or out of the site,
  - b. Lack of existing left-turn lanes onto the adjacent roadway at the proposed access drive(s)
  - c. Inadequate horizontal or vertical sight distance at access points
  - d. The proximity of the proposed access to other existing drives or intersections is a potential hazard
  - e. The proposal requires a conditional use permit or involves a drive-through operation
  - f. The proposed development may result in excessive traffic volumes on adjacent local streets.
4. When the site is within 500 feet of an ODOT facility.

#### **18.810.040 Blocks**

- A. Block Design. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access,

circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.

B. Sizes.

1. The perimeter of blocks formed by streets shall not exceed 2,1201,800 feet measured along the centerline of the streets-right-of-way line except:
  - a. Where street location is precluded by natural topography, wetlands or other bodies of water, or pre-existing development; or
  - b. For blocks adjacent to arterial streets, limited access highways, ~~major~~-collectors or railroads.
  - c. For non-residential blocks in which internal public circulation provides equivalent access.
2. Bicycle and pedestrian connections on public easements or right-of-ways shall be provided when full street connection is not possible-exempted by B.1 above. Spacing between connections shall be no more than 330 feet, except where precluded by environmental or topographical constraints, existing development patterns, or strict adherence to other standards in the code.

**18.810.050 Easements**

- A. Easements. Easements for sewers, drainage, water mains, electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a development traversed by a watercourse, or drainageway, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the watercourse.
- B. Utility easements. A property owner proposing a development shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be 15 feet unless otherwise specified by the utility company, applicable district, or City Engineer.

**18.810.060 Lots**

- A. Size and shape. Lot size, width, shape and orientation shall be appropriate for the location of the development and for the type of use contemplated, and:
  1. No lot shall contain part of an existing or proposed public right-of-way within its dimensions;
  2. The depth of all lots shall not exceed 2-1/2 times the average width, unless the parcel is less than 1-1/2 times the minimum lot size of the applicable zoning district;
  3. Depth and width of properties zoned for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.
- B. Lot frontage. Each lot shall abut upon a public or private street, other than an alley, for a width of at least 25 feet unless the lot is created through a minor land partition in which case Subsection 18.162.050 (C) applies, or unless the lot is for an attached single-family dwelling unit, in which case the lot frontage shall be at least 15 feet.
- C. Through lots. Through lots shall be avoided except where they are essential to provide separation of

residential development from major traffic arterials or to overcome specific disadvantages of topography and orientation, and:

1. A planting buffer at least ten feet wide is required abutting the arterial rights-of-way; and
  2. All through lots shall provide the required front yard setback on each street.
- D. Lot side lines. The side lines of lots, as far as practicable, shall be at right angles to the street upon which the lots front.
- E. Large lots. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Commission may require that the lots be of such size and shape, and be so divided into building sites, and contain such site restrictions as will provide for the extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size. The land division shall be denied if the proposed large development lot does not provide for the future division of the lots and future extension of public facilities.

#### **18.810.070 Sidewalks**

A. A.—Sidewalks. All industrial streets and private streets shall have sidewalks meeting City standards along at least one side of the street. All other streets shall have sidewalks meeting City standards along both sides of the street. A development may be approved if an adjoining street has sidewalks on the side adjoining the development, even if no sidewalk exists on the other side of the street

#### B. Requirement of developers

1. As part of any development proposal, or change in use resulting in an additional 1,000 vehicle trips or more per day, an applicant shall be required to identify direct, safe (1.25 x the straight line distance) pedestrian routes within 1/2 mile of their site to all transit facilities and Neighborhood Activity Centers (schools, parks, libraries, etc.). In addition, the developer may be required to participate in the removal of any gaps in the pedestrian system off-site if justified by the development. —

2. If there is an existing sidewalk, on the same side of the street as the development, within 300 feet of a development site in either direction, the sidewalk shall be extended from the site to meet the existing sidewalk, subject to rough proportionality (even if the sidewalk does not serve a neighborhood activity center)

BC. Planter strip requirements. A planter strip separation of at least five feet between the curb and the sidewalk shall be required in the design of any arterial or collector streets where parking is prohibited adjacent to the curb, except where the following conditions exist: there is inadequate right-of-way; the curbside sidewalks already exist on predominant portions of the street; ~~or~~ it would conflict with the utilities, there are significant natural features (large trees, water features, etc) that would be destroyed if the sidewalk were located as required, or where there are existing structures in close proximity to the street (15 feet or less).

ED. Sidewalks in central business district. In the central business district, sidewalks shall be 10 feet in width, and:

1. All sidewalks shall provide a continuous unobstructed path; and
2. The width of curbside sidewalks shall be measured from the back of the curb.

DE. Maintenance. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

**EF. Application for permit and inspection.** If the construction of a sidewalk is not included in a performance bond of an approved subdivision or the performance bond has lapsed, then every person, firm or corporation desiring to construct sidewalks as provided by this chapter, shall, before entering upon the work or improvement, apply for a street opening permit to the Engineering department to so build or construct:

1. An occupancy permit shall not be issued for a development until the provisions of this section are satisfied.
2. The City Engineer may issue a permit and certificate allowing temporary noncompliance with the provisions of this section to the owner, builder or contractor when, in his opinion, the construction of the sidewalk is impractical for one or more of the following reasons:
  - a. Sidewalk grades have not and cannot be established for the property in question within a reasonable length of time;
  - b. Forthcoming installation of public utilities or street paving would be likely to cause severe damage to the new sidewalk;
  - c. Street right-of-way is insufficient to accommodate a sidewalk on one or both sides of the street; or
  - d. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical or economically infeasible; and
3. The City Engineer shall inspect the construction of sidewalks for compliance with the provision set forth in the standard specifications manual.

**FG. Council initiation of construction.** In the event one or more of the following situations are found by the Council to exist, the Council may adopt a resolution to initiate construction of a sidewalk in accordance with City ordinances:

1. A safety hazard exists for children walking to or from school and sidewalks are necessary to eliminate the hazard;
2. A safety hazard exists for pedestrians walking to or from a public building, commercial area, place of assembly or other general pedestrian traffic, and sidewalks are necessary to eliminate the hazard;
3. 50% or more of the area in a given block has been improved by the construction of dwellings, multiple dwellings, commercial buildings or public buildings and/or parks; and
4. A criteria which allowed noncompliance under Section E.1.b above no longer exists and a sidewalk could be constructed in conformance with City standards. (Ord. 99-22)

#### **18.810.080      Public Use Areas**

##### **A. Dedication requirements.**

1. Where a proposed park, playground or other public use shown in a development plan adopted by the City is located in whole or in part in a subdivision, the Commission may require the

dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.

2. Where considered desirable by the Commission in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the Commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.
- B. Acquisition by public agency. If the developer is required to reserve land area for a park, playground, or other public use, such land shall be acquired by the appropriate public agency within 18 months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the subdivider. (Ord. 99-22)

#### **18.810.090 Sanitary Sewers**

- A. Sewers required. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.
- B. Sewer plan approval The City Engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.
- C. Over-sizing. Proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.
- D. Permits denied. Development permits may be restricted by the Commission or Hearings Officer where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

#### **18.810.100 Storm Drainage**

- A. General provisions. The Director and City Engineer shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made, and:
1. The storm water drainage system shall be separate and independent of any sanitary sewerage system;
  2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street; and
  3. Surface water drainage patterns shall be shown on every development proposal plan.
- B. Easements. Where a development is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.

- C. Accommodation of upstream drainage. A culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development, and:
1. The City Engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments).
- D. Effect on downstream drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Director and Engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments).

#### **18.810.110 Bikeways and Pedestrian Pathways**

A. A. —Bikeway extension.

1. As a standard, bike lanes shall be required along all Arterial and Collector routes and where identified on the City's adopted bicycle plan in the Transportation System Plan (TSP).
2. Developments adjoining proposed bikeways identified on the City's adopted pedestrian/bikeway plan shall include provisions for the future extension of such bikeways through the dedication of easements or rights-of-way, provided such dedication is directly related to and roughly proportional to the impact of the development.
3. Any new street improvement project shall include bicycle lanes as required in this document and on the adopted bicycle plan.

- B. Cost of construction. Development permits issued for planned unit developments, conditional use permits, subdivisions and other developments which will principally benefit from such bikeways shall be conditioned to include the cost or construction of bikeway improvements in an amount roughly proportional to the impact of the development.

C. Minimum width.

1. Minimum width for bikeways within the roadway is five feet per bicycle travel lane.

2. Minimum width ~~for two-way bikeways~~multi-use paths separated from the road is ~~eight-ten~~ (10) feet. The width may be reduced to eight (8) feet if there are environmental or other constraints.

3. The minimum width for pedestrian only off-street paths is five (5) feet.

4. Design standards for bike and pedestrian-ways shall be determined by the City Engineer. (Ord. 99-22)

#### **18.810.120 Utilities**

- A. Underground utilities. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services;
  2. The City reserves the right to approve location of all surface mounted facilities;
  3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
  4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- B. Information on development plans. The applicant for a development shall show on the development plan or in the explanatory information, easements for all underground utility facilities, and:
1. Plans showing the location of all underground facilities as described herein shall be submitted to the City Engineer for review and approval; and
  2. Care shall be taken in all cases to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic.
- C. Exception to under-grounding requirement.
1. The developer shall pay a fee in-lieu of under-grounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of undergrounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the only, such situation is a short frontage development for which undergrounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities.
  2. An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay the fee in-lieu of undergrounding.
  3. Properties within the CBD zoning district shall be exempt from the requirements for undergrounding of utility lines and from the fee in-lieu of undergrounding.
  4. The exceptions in Subsections 1 through 3 of this section shall apply only to existing utility lines. All new utility lines shall be placed underground.
- D. Fee in-lieu of undergrounding.
1. The City Engineer shall establish utility service areas in the City. All development which occurs within a utility service area shall pay a fee in-lieu of undergrounding for utilities if the development does not provide underground utilities, unless exempted by this code.
  2. The City Engineer shall establish the fee by utility service area which shall be determined based upon the estimated cost to underground utilities within each service area. The total estimated cost for undergrounding in a service area shall be allocated on a front-foot basis to each party within the service area. The fee due from any developer shall be calculated based on a front-foot basis.

3. A developer shall receive a credit against the fee for costs incurred in the undergrounding of existing overhead utilities. The City Engineer shall determine the amount of the credit, after review of cost information submitted by the applicant with the request for credit.
4. The funds collected in each service area shall be used for undergrounding utilities within the City at large. The City Engineer shall prepare and maintain a list of proposed undergrounding projects which may be funded with the fees collected by the City. The list shall indicate the estimated timing and cost of each project. The list shall be submitted to the City Council for their review and approval annually.

#### **18.810.130 Cash or Bond Required**

- A. Guarantee. All improvements installed by the developer shall be guaranteed as to workmanship and material for a period of one year following acceptance by the City Council.
- B. Cash deposit or bond. Such guarantee shall be secured by cash deposit or bond in the amount of the value of the improvements as set by the City Engineer.
- C. Compliance requirements. The cash or bond shall comply with the terms and conditions of Section 18.430.090.

#### **18.810.140 Monuments**

- A. Replacement required. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

#### **18.810.150 Installation Prerequisite**

- A. Approval required. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued.
- B. Permit fee. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by Council resolution.

#### **18.810.160 Installation Conformation**

- A. Conformance required. In addition to other requirements, improvements installed by the developer either as a requirement of these regulations or at his own option, shall conform to the requirements of this chapter and to improvement standards and specifications followed by the City.
- B. Adopted installation standards. The Standard Specifications for Public Works Construction, Oregon Chapter A.P.W.A., and Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments) shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.

#### **18.810.170 Plan Check**

- A. Submittal requirements. Work shall not begin until construction plans and construction estimates have been submitted and checked for adequacy and approved by the City Engineer in writing. The

developer can obtain detailed information about submittal requirements from the City Engineer.

- B. Compliance. All such plans shall be prepared in accordance with requirements of the City.

#### **18.810.180 Notice to City**

- A. Commencement. Work shall not begin until the City has been notified in advance.
- B. Resumption. If work is discontinued for any reason, it shall not be resumed until the City is notified.

#### **18.810.190 City Inspection**

- A. Inspection of improvements. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.

#### **18.810.200 Engineer's Certification**

- A. Written certification required. The developer's engineer shall provide written certification of a form provided by the City that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade, prior to City acceptance of the subdivision's improvements or any portion thereof for operation and maintenance.

#### **18.810.210 Completion Requirements (To be completed.)**

**ADDITIONAL AMENDMENTS**

**18.120.030**

Add the following definitions in alphabetical order and renumber the remaining definitions accordingly:

“Neighborhood Activity Center” – A use such as schools, parks, libraries, or pools which provide recreational or social services for groups of people.

“Queuing Plan” – A plan submitted with a proposal for skinny streets that shows the potential queuing pattern that will allow for safe and efficient travel of emergency vehicles, service vehicles and passenger vehicles with minimal disturbance.

**18.360.090.A.11.a**

change from:

Provisions within the plan shall be included for providing for transit if the development proposal is adjacent to existing or proposed transit route

change to:

Provisions within the plan shall be included for providing for transit if the development proposal is adjacent to or within 500 feet of existing or proposed transit route

**18.520.020.B**

change the 3<sup>rd</sup> sentence from:

Separated from other commercially-zoned areas by at least one-half mile, community commercial centers are intended to serve several residential neighborhoods, ideally at the intersection of two or more major collector streets.....

change to:

Separated from other commercially-zoned areas by at least one-half mile, community commercial centers are intended to serve several residential neighborhoods, ideally at the intersection of two or more ~~major~~ collector streets.....

**18.530.050.A.2**

change from:

The site shall have access to be approved by the City Engineer to an arterial or major collectors street.....

change to:

The site shall have access to be approved by the City Engineer to an arterial or ~~major~~ collector street.....

**18.745.050.C.2.b**

change from:

Are permitted up to six feet in height in front yards adjacent to any designated arterial, major collector or minor collector street.

change to:

Are permitted up to six feet in height in front yards adjacent to any designated arterial, ~~major collector~~ or ~~minor~~ collector street.

# Update: Implementation of Transportation System Plan

# Background

- TSP adopted in January 2002
- Comprehensive Plan Amendments adopted
- No Development Code amendments
- Planned to come back after review with Development Code Amendments
- Internal group developed the proposed amendments

# Proposed amendments

- Clarify existing language
- Implement TSP recommendations
- Address Department of Land Conservation and Development (DLCD) requirements
- Address Metro Regional Transportation Plan (RTP) requirements

# Summary of significant changes

- Right of way width
  - Standard
  - Skinny street option
- Sidewalk location
- Sidewalk requirements of developer
- Access management
- Traffic Calming

# Required notice

- Because the changes do not limit a persons ability to develop a piece of property, the City attorney has indicated that Measure 56 notice requirements do not apply.
- Legislative notice published in the Tigard Times 20 days prior to each hearing.
- Notice to DLCD 45 days prior to the Planning Commission hearing.

# Next steps

- DLCD notice (45 days prior to first hearing)
- Public notice (20 days prior to first hearing)
- Planning Commission hearing 8-5-02
- City Council hearing 9-10-02
- Effective 30 days after adoption